

1 AN ACT concerning criminal law.

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

4 Section 5. The Illinois Vehicle Code is amended by changing  
5 Section 6-303 as follows:

6 (625 ILCS 5/6-303) (from Ch. 95 1/2, par. 6-303)

7 Sec. 6-303. Driving while driver's license, permit or  
8 privilege to operate a motor vehicle is suspended or revoked.

9 (a) Except as otherwise provided in subsection (a-5), any  
10 person who drives or is in actual physical control of a motor  
11 vehicle on any highway of this State at a time when such  
12 person's driver's license, permit or privilege to do so or the  
13 privilege to obtain a driver's license or permit is revoked or  
14 suspended as provided by this Code or the law of another state,  
15 except as may be specifically allowed by a judicial driving  
16 permit issued prior to January 1, 2009, monitoring device  
17 driving permit, family financial responsibility driving  
18 permit, probationary license to drive, or a restricted driving  
19 permit issued pursuant to this Code or under the law of another  
20 state, shall be guilty of a Class A misdemeanor.

21 (a-3) A second or subsequent violation of subsection (a) of  
22 this Section is a Class 4 felony if committed by a person whose  
23 driving or operation of a motor vehicle is the proximate cause

1 of a motor vehicle accident that causes personal injury or  
2 death to another. For purposes of this subsection, a personal  
3 injury includes any Type A injury as indicated on the traffic  
4 accident report completed by a law enforcement officer that  
5 requires immediate professional attention in either a doctor's  
6 office or a medical facility. A Type A injury includes severe  
7 bleeding wounds, distorted extremities, and injuries that  
8 require the injured party to be carried from the scene.

9 (a-5) Any person who violates this Section as provided in  
10 subsection (a) while his or her driver's license, permit or  
11 privilege is revoked because of a violation of Section 9-3 of  
12 the Criminal Code of 1961 or the Criminal Code of 2012,  
13 relating to the offense of reckless homicide, or a violation of  
14 subparagraph (F) of paragraph (1) of subsection (d) of Section  
15 11-501 of this Code, relating to the offense of aggravated  
16 driving under the influence of alcohol, other drug or drugs, or  
17 intoxicating compound or compounds, or any combination thereof  
18 when the violation was a proximate cause of a death, or a  
19 similar provision of a law of another state, is guilty of a  
20 Class 4 felony. The person shall be required to undergo a  
21 professional evaluation, as provided in Section 11-501 of this  
22 Code, to determine if an alcohol, drug, or intoxicating  
23 compound problem exists and the extent of the problem, and to  
24 undergo the imposition of treatment as appropriate.

25 (a-10) A person's driver's license, permit, or privilege to  
26 obtain a driver's license or permit may be subject to multiple

1 revocations, multiple suspensions, or any combination of both  
2 simultaneously. No revocation or suspension shall serve to  
3 negate, invalidate, cancel, postpone, or in any way lessen the  
4 effect of any other revocation or suspension entered prior or  
5 subsequent to any other revocation or suspension.

6 (b) (Blank).

7 (b-1) Upon receiving a report of the conviction of any  
8 violation indicating a person was operating a motor vehicle  
9 during the time when the person's driver's license, permit or  
10 privilege was suspended by the Secretary of State or the  
11 driver's licensing administrator of another state, except as  
12 specifically allowed by a probationary license, judicial  
13 driving permit, restricted driving permit or monitoring device  
14 driving permit the Secretary shall extend the suspension for  
15 the same period of time as the originally imposed suspension  
16 unless the suspension has already expired, in which case the  
17 Secretary shall be authorized to suspend the person's driving  
18 privileges for the same period of time as the originally  
19 imposed suspension.

20 (b-2) Except as provided in subsection (b-6), upon  
21 receiving a report of the conviction of any violation  
22 indicating a person was operating a motor vehicle when the  
23 person's driver's license, permit or privilege was revoked by  
24 the Secretary of State or the driver's license administrator of  
25 any other state, except as specifically allowed by a restricted  
26 driving permit issued pursuant to this Code or the law of

1 another state, the Secretary shall not issue a driver's license  
2 for an additional period of one year from the date of such  
3 conviction indicating such person was operating a vehicle  
4 during such period of revocation.

5 (b-3) (Blank).

6 (b-4) When the Secretary of State receives a report of a  
7 conviction of any violation indicating a person was operating a  
8 motor vehicle that was not equipped with an ignition interlock  
9 device during a time when the person was prohibited from  
10 operating a motor vehicle not equipped with such a device, the  
11 Secretary shall not issue a driver's license to that person for  
12 an additional period of one year from the date of the  
13 conviction.

14 (b-5) Any person convicted of violating this Section shall  
15 serve a minimum term of imprisonment of 30 consecutive days or  
16 300 hours of community service when the person's driving  
17 privilege was revoked or suspended as a result of a violation  
18 of Section 9-3 of the Criminal Code of 1961 or the Criminal  
19 Code of 2012, relating to the offense of reckless homicide, or  
20 a violation of subparagraph (F) of paragraph (1) of subsection  
21 (d) of Section 11-501 of this Code, relating to the offense of  
22 aggravated driving under the influence of alcohol, other drug  
23 or drugs, or intoxicating compound or compounds, or any  
24 combination thereof when the violation was a proximate cause of  
25 a death, or a similar provision of a law of another state.

26 (b-6) Upon receiving a report of a first conviction of

1 operating a motor vehicle while the person's driver's license,  
2 permit or privilege was revoked where the revocation was for a  
3 violation of Section 9-3 of the Criminal Code of 1961 or the  
4 Criminal Code of 2012 relating to the offense of reckless  
5 homicide, or a violation of subparagraph (F) of paragraph (1)  
6 of subsection (d) of Section 11-501 of this Code, relating to  
7 the offense of aggravated driving under the influence of  
8 alcohol, other drug or drugs, or intoxicating compound or  
9 compounds, or any combination thereof when the violation was a  
10 proximate cause of a death, or a similar out-of-state offense,  
11 the Secretary shall not issue a driver's license for an  
12 additional period of three years from the date of such  
13 conviction.

14 (c) Except as provided in subsections (c-3) and (c-4), any  
15 person convicted of violating this Section shall serve a  
16 minimum term of imprisonment of 10 consecutive days or 30 days  
17 of community service when the person's driving privilege was  
18 revoked or suspended as a result of:

19 (1) a violation of Section 11-501 of this Code or a  
20 similar provision of a local ordinance relating to the  
21 offense of operating or being in physical control of a  
22 vehicle while under the influence of alcohol, any other  
23 drug or any combination thereof; or

24 (2) a violation of paragraph (b) of Section 11-401 of  
25 this Code or a similar provision of a local ordinance  
26 relating to the offense of leaving the scene of a motor

1 vehicle accident involving personal injury or death; or

2 (3) a statutory summary suspension or revocation under  
3 Section 11-501.1 of this Code.

4 Such sentence of imprisonment or community service shall  
5 not be subject to suspension in order to reduce such sentence.

6 (c-1) Except as provided in subsections (c-5) and (d), any  
7 person convicted of a second violation of this Section shall be  
8 ordered by the court to serve a minimum of 100 hours of  
9 community service.

10 (c-2) In addition to other penalties imposed under this  
11 Section, the court may impose on any person convicted a fourth  
12 time of violating this Section any of the following:

13 (1) Seizure of the license plates of the person's  
14 vehicle.

15 (2) Immobilization of the person's vehicle for a period  
16 of time to be determined by the court.

17 (c-3) Any person convicted of a violation of this Section  
18 during a period of summary suspension imposed pursuant to  
19 Section 11-501.1 when the person was eligible for a MDDP shall  
20 be guilty of a Class 4 felony and shall serve a minimum term of  
21 imprisonment of 30 days.

22 (c-4) Any person who has been issued a MDDP or a restricted  
23 driving permit which requires the person to operate only motor  
24 vehicles equipped with an ignition interlock device and who is  
25 convicted of a violation of this Section as a result of  
26 operating or being in actual physical control of a motor

1 vehicle not equipped with an ignition interlock device at the  
2 time of the offense shall be guilty of a Class 4 felony and  
3 shall serve a minimum term of imprisonment of 30 days.

4 (c-5) Any person convicted of a second violation of this  
5 Section is guilty of a Class 2 felony, is not eligible for  
6 probation or conditional discharge, and shall serve a mandatory  
7 term of imprisonment, if:

8 (1) the current violation occurred when the person's  
9 driver's license was suspended or revoked for a violation  
10 of Section 9-3 of the Criminal Code of 1961 or the Criminal  
11 Code of 2012, relating to the offense of reckless homicide,  
12 or a violation of subparagraph (F) of paragraph (1) of  
13 subsection (d) of Section 11-501 of this Code, relating to  
14 the offense of aggravated driving under the influence of  
15 alcohol, other drug or drugs, or intoxicating compound or  
16 compounds, or any combination thereof when the violation  
17 was a proximate cause of a death, or a similar out-of-state  
18 offense; and

19 (2) the prior conviction under this Section occurred  
20 while the person's driver's license was suspended or  
21 revoked for a violation of Section 9-3 of the Criminal Code  
22 of 1961 or the Criminal Code of 2012 relating to the  
23 offense of reckless homicide, or a violation of  
24 subparagraph (F) of paragraph (1) of subsection (d) of  
25 Section 11-501 of this Code, relating to the offense of  
26 aggravated driving under the influence of alcohol, other

1       drug or drugs, or intoxicating compound or compounds, or  
2       any combination thereof when the violation was a proximate  
3       cause of a death, or a similar out-of-state offense, or was  
4       suspended or revoked for a violation of Section 11-401 or  
5       11-501 of this Code, a similar out-of-state offense, a  
6       similar provision of a local ordinance, or a statutory  
7       summary suspension or revocation under Section 11-501.1 of  
8       this Code.

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

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

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



1       reckless homicide, or a violation of subparagraph (F) of  
2       paragraph (1) of subsection (d) of Section 11-501 of this  
3       Code, relating to the offense of aggravated driving under  
4       the influence of alcohol, other drug or drugs, or  
5       intoxicating compound or compounds, or any combination  
6       thereof when the violation was a proximate cause of a  
7       death, or a similar out-of-state offense.

8       (d-1) Except as provided in subsections (d-2), (d-2.5), and  
9       (d-3), any person convicted of a third or subsequent violation  
10      of this Section shall serve a minimum term of imprisonment of  
11      30 days or 300 hours of community service, as determined by the  
12      court.

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

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

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

1 revocation under Section 11-501.1 of this Code, or for a  
2 violation of Section 9-3 of the Criminal Code of 1961 or  
3 the Criminal Code of 2012, relating to the offense of  
4 reckless homicide, or a violation of subparagraph (F) of  
5 paragraph (1) of subsection (d) of Section 11-501 of this  
6 Code, relating to the offense of aggravated driving under  
7 the influence of alcohol, other drug or drugs, or  
8 intoxicating compound or compounds, or any combination  
9 thereof when the violation was a proximate cause of a  
10 death, or a similar out-of-state offense.

11 (d-2.5) Any person convicted of a third violation of this  
12 Section is guilty of a Class 1 felony, is not eligible for  
13 probation or conditional discharge, and must serve a mandatory  
14 term of imprisonment, if:

15 (1) the current violation occurred while the person's  
16 driver's license was suspended or revoked for a violation  
17 of Section 9-3 of the Criminal Code of 1961 or the Criminal  
18 Code of 2012, relating to the offense of reckless homicide,  
19 or a violation of subparagraph (F) of paragraph (1) of  
20 subsection (d) of Section 11-501 of this Code, relating to  
21 the offense of aggravated driving under the influence of  
22 alcohol, other drug or drugs, or intoxicating compound or  
23 compounds, or any combination thereof when the violation  
24 was a proximate cause of a death, or a similar out-of-state  
25 offense. The person's driving privileges shall be revoked  
26 for the remainder of the person's life; and

1           (2) the prior convictions under this Section occurred  
2 while the person's driver's license was suspended or  
3 revoked for a violation of Section 9-3 of the Criminal Code  
4 of 1961 or the Criminal Code of 2012, relating to the  
5 offense of reckless homicide, or a violation of  
6 subparagraph (F) of paragraph (1) of subsection (d) of  
7 Section 11-501 of this Code, relating to the offense of  
8 aggravated driving under the influence of alcohol, other  
9 drug or drugs, or intoxicating compound or compounds, or  
10 any combination thereof when the violation was a proximate  
11 cause of a death, or a similar out-of-state offense, or was  
12 suspended or revoked for a violation of Section 11-401 or  
13 11-501 of this Code, a similar out-of-state offense, a  
14 similar provision of a local ordinance, or a statutory  
15 summary suspension or revocation under Section 11-501.1 of  
16 this Code.

17           (d-3) Any person convicted of a fourth, fifth, sixth,  
18 seventh, eighth, or ninth violation of this Section is guilty  
19 of a Class 4 felony and must serve a minimum term of  
20 imprisonment of 180 days, if:

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

1           (2) the prior convictions under this Section occurred  
2 while the person's driver's license was suspended or  
3 revoked for a violation of Section 11-401 or 11-501 of this  
4 Code, a similar out-of-state offense, a similar provision  
5 of a local ordinance, or a statutory summary suspension or  
6 revocation under Section 11-501.1 of this Code, or for a  
7 violation of Section 9-3 of the Criminal Code of 1961 or  
8 the Criminal Code of 2012, relating to the offense of  
9 reckless homicide, or a violation of subparagraph (F) of  
10 paragraph (1) of subsection (d) of Section 11-501 of this  
11 Code, relating to the offense of aggravated driving under  
12 the influence of alcohol, other drug or drugs, or  
13 intoxicating compound or compounds, or any combination  
14 thereof when the violation was a proximate cause of a  
15 death, or a similar out-of-state offense.

16           (d-3.5) Any person convicted of a fourth or subsequent  
17 violation of this Section is guilty of a Class 1 felony, is not  
18 eligible for probation or conditional discharge, and must serve  
19 a mandatory term of imprisonment, and is eligible for an  
20 extended term, if:

21           (1) the current violation occurred when the person's  
22 driver's license was suspended or revoked for a violation  
23 of Section 9-3 of the Criminal Code of 1961 or the Criminal  
24 Code of 2012, relating to the offense of reckless homicide,  
25 or a violation of subparagraph (F) of paragraph (1) of  
26 subsection (d) of Section 11-501 of this Code, relating to

1       the offense of aggravated driving under the influence of  
2       alcohol, other drug or drugs, or intoxicating compound or  
3       compounds, or any combination thereof when the violation  
4       was a proximate cause of a death, or a similar out-of-state  
5       offense; and

6           (2) the prior convictions under this Section occurred  
7       while the person's driver's license was suspended or  
8       revoked for a violation of Section 9-3 of the Criminal Code  
9       of 1961 or the Criminal Code of 2012, relating to the  
10      offense of reckless homicide, or a violation of  
11      subparagraph (F) of paragraph (1) of subsection (d) of  
12      Section 11-501 of this Code, relating to the offense of  
13      aggravated driving under the influence of alcohol, other  
14      drug or drugs, or intoxicating compound or compounds, or  
15      any combination thereof when the violation was a proximate  
16      cause of a death, or a similar out-of-state offense, or was  
17      suspended or revoked for a violation of Section 11-401 or  
18      11-501 of this Code, a similar out-of-state offense, a  
19      similar provision of a local ordinance, or a statutory  
20      summary suspension or revocation under Section 11-501.1 of  
21      this Code.

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

26           (1) the current violation occurred when the person's

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

6 (2) the prior convictions under this Section occurred  
7 while the person's driver's license was suspended or  
8 revoked for a violation of Section 11-401 or 11-501 of this  
9 Code, a similar out-of-state offense, a similar provision  
10 of a local ordinance, or a statutory suspension or  
11 revocation under Section 11-501.1 of this Code, or for a  
12 violation of Section 9-3 of the Criminal Code of 1961 or  
13 the Criminal Code of 2012, relating to the offense of  
14 reckless homicide, or a violation of subparagraph (F) of  
15 paragraph (1) of subsection (d) of Section 11-501 of this  
16 Code, relating to the offense of aggravated driving under  
17 the influence of alcohol, other drug or drugs, or  
18 intoxicating compound or compounds, or any combination  
19 thereof when the violation was a proximate cause of a  
20 death, or a similar out-of-state offense.

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

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

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

4 (2) the prior convictions under this Section occurred  
5 while the person's driver's license was suspended or  
6 revoked for a violation of Section 11-401 or 11-501 of this  
7 Code, a similar out-of-state offense, a similar provision  
8 of a local ordinance, or a statutory summary suspension or  
9 revocation under Section 11-501.1 of this Code, or for a  
10 violation of Section 9-3 of the Criminal Code of 1961 or  
11 the Criminal Code of 2012, relating to the offense of  
12 reckless homicide, or a violation of subparagraph (F) of  
13 paragraph (1) of subsection (d) of Section 11-501 of this  
14 Code, relating to the offense of aggravated driving under  
15 the influence of alcohol, other drug or drugs, or  
16 intoxicating compound or compounds, or any combination  
17 thereof when the violation was a proximate cause of a  
18 death, or a similar out-of-state offense.

19 (e) Any person in violation of this Section who is also in  
20 violation of Section 7-601 of this Code relating to mandatory  
21 insurance requirements, in addition to other penalties imposed  
22 under this Section, shall have his or her motor vehicle  
23 immediately impounded by the arresting law enforcement  
24 officer. The motor vehicle may be released to any licensed  
25 driver upon a showing of proof of insurance for the vehicle  
26 that was impounded and the notarized written consent for the

1 release by the vehicle owner.

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

5 (g) The motor vehicle used in a violation of this Section  
6 is subject to seizure and forfeiture as provided in Sections  
7 36-1 and 36-2 of the Criminal Code of 2012 if the person's  
8 driving privilege was revoked or suspended as a result of:

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

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

15 (3) a statutory summary suspension or revocation under  
16 Section 11-501.1 of this Code or a similar provision of a  
17 law of another state; or

18 (4) a violation of Section 9-3 of the Criminal Code of  
19 1961 or the Criminal Code of 2012 relating to the offense  
20 of reckless homicide, or a violation of subparagraph (F) of  
21 paragraph (1) of subsection (d) of Section 11-501 of this  
22 Code, relating to the offense of aggravated driving under  
23 the influence of alcohol, other drug or drugs, or  
24 intoxicating compound or compounds, or any combination  
25 thereof when the violation was a proximate cause of a  
26 death, or a similar provision of a law of another state.



1 (Source: P.A. 98-285, eff. 1-1-14; 98-418, eff. 8-16-13;  
2 98-573, eff. 8-27-13; 98-756, eff. 7-16-14; 99-290, eff.  
3 1-1-16.)

4 Section 10. The Criminal Code of 2012 is amended by  
5 changing Section 3-5 as follows:

6 (720 ILCS 5/3-5) (from Ch. 38, par. 3-5)

7 Sec. 3-5. General limitations.

8 (a) A prosecution for: (1) first degree murder, attempt to  
9 commit first degree murder, second degree murder, involuntary  
10 manslaughter, reckless homicide, or a violation of  
11 subparagraph (F) of paragraph (1) of subsection (d) of Section  
12 11-501 of the Illinois Vehicle Code for the offense of  
13 aggravated driving under the influence of alcohol, other drug  
14 or drugs, or intoxicating compound or compounds, or any  
15 combination thereof when the violation was a proximate cause of  
16 a death, leaving the scene of a motor vehicle accident  
17 involving death or personal injuries under Section 11-401 of  
18 the Illinois Vehicle Code, failing to give information and  
19 render aid under Section 11-403 of the Illinois Vehicle Code,  
20 concealment of homicidal death, treason, arson, residential  
21 arson, aggravated arson, forgery, child pornography under  
22 paragraph (1) of subsection (a) of Section 11-20.1, aggravated  
23 child pornography under paragraph (1) of subsection (a) of  
24 Section 11-20.1B, or (2) any offense involving sexual conduct

1 or sexual penetration, as defined by Section 11-0.1 of this  
2 Code in which the DNA profile of the offender is obtained and  
3 entered into a DNA database within 10 years after the  
4 commission of the offense, may be commenced at any time. Clause  
5 (2) of this subsection (a) applies if either: (i) the victim  
6 reported the offense to law enforcement authorities within 3  
7 years after the commission of the offense unless a longer  
8 period for reporting the offense to law enforcement authorities  
9 is provided in Section 3-6 or (ii) the victim is murdered  
10 during the course of the offense or within 2 years after the  
11 commission of the offense.

12 (a-5) A prosecution for theft of property exceeding  
13 \$100,000 in value under Section 16-1, identity theft under  
14 subsection (a) of Section 16-30, aggravated identity theft  
15 under subsection (b) of Section 16-30, financial exploitation  
16 of an elderly person or a person with a disability under  
17 Section 17-56; or any offense set forth in Article 16H or  
18 Section 17-10.6 may be commenced within 7 years of the last act  
19 committed in furtherance of the crime.

20 (b) Unless the statute describing the offense provides  
21 otherwise, or the period of limitation is extended by Section  
22 3-6, a prosecution for any offense not designated in subsection  
23 (a) or (a-5) must be commenced within 3 years after the  
24 commission of the offense if it is a felony, or within one year  
25 and 6 months after its commission if it is a misdemeanor.

26 (Source: P.A. 98-265, eff. 1-1-14; 99-820, eff. 8-15-16.)