

1 AN ACT concerning transportation.

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 11-501 as follows:

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

7 (Text of Section from P.A. 93-1093)

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

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

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

16 (2) under the influence of alcohol;

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

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

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

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

32 (b) The fact that any person charged with violating this

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

5 (b-1) With regard to penalties imposed under this Section:

6 (1) Any reference to a prior violation of subsection
7 (a) or a similar provision includes any violation of a
8 provision of a local ordinance or a provision of a law of
9 another state that is similar to a violation of subsection
10 (a) of this Section.

11 (2) Any penalty imposed for driving with a license that
12 has been revoked for a previous violation of subsection (a)
13 of this Section shall be in addition to the penalty imposed
14 for any subsequent violation of subsection (a).

15 (b-2) Except as otherwise provided in this Section, any
16 person convicted of violating subsection (a) of this Section is
17 guilty of a Class A misdemeanor.

18 (b-3) In addition to any other criminal or administrative
19 sanction for any second conviction of violating subsection (a)
20 or a similar provision committed within 5 years of a previous
21 violation of subsection (a) or a similar provision, the
22 defendant shall be sentenced to a mandatory minimum of 5 days
23 of imprisonment or assigned a mandatory minimum of 240 hours of
24 community service as may be determined by the court.

25 (b-4) In the case of a third or subsequent violation
26 committed within 5 years of a previous violation of subsection
27 (a) or a similar provision, in addition to any other criminal
28 or administrative sanction, a mandatory minimum term of either
29 10 days of imprisonment or 480 hours of community service shall
30 be imposed.

31 (b-5) The imprisonment or assignment of community service
32 under subsections (b-3) and (b-4) shall not be subject to
33 suspension, nor shall the person be eligible for a reduced
34 sentence.

35 (c) (Blank).

36 (c-1) (1) A person who violates subsection (a) during a

1 period in which his or her driving privileges are revoked
2 or suspended, where the revocation or suspension was for a
3 violation of subsection (a), Section 11-501.1, paragraph
4 (b) of Section 11-401, or for reckless homicide as defined
5 in Section 9-3 of the Criminal Code of 1961 is guilty of a
6 Class 4 felony.

7 (2) A person who violates subsection (a) a third time,
8 if the third violation occurs during a period in which his
9 or her driving privileges are revoked or suspended where
10 the revocation or suspension was for a violation of
11 subsection (a), Section 11-501.1, paragraph (b) of Section
12 11-401, or for reckless homicide as defined in Section 9-3
13 of the Criminal Code of 1961, is guilty of a Class 3
14 felony; and if the person receives a term of probation or
15 conditional discharge, he or she shall be required to serve
16 a mandatory minimum of 10 days of imprisonment or shall be
17 assigned a mandatory minimum of 480 hours of community
18 service, as may be determined by the court, as a condition
19 of the probation or conditional discharge. This mandatory
20 minimum term of imprisonment or assignment of community
21 service shall not be suspended or reduced by the court.

22 (2.2) A person who violates subsection (a), if the
23 violation occurs during a period in which his or her
24 driving privileges are revoked or suspended where the
25 revocation or suspension was for a violation of subsection
26 (a) or Section 11-501.1, shall also be sentenced to an
27 additional mandatory minimum term of 30 consecutive days of
28 imprisonment, 40 days of 24-hour periodic imprisonment, or
29 720 hours of community service, as may be determined by the
30 court. This mandatory term of imprisonment or assignment of
31 community service shall not be suspended or reduced by the
32 court.

33 (3) A person who violates subsection (a) a fourth or
34 subsequent time, if the fourth or subsequent violation
35 occurs during a period in which his or her driving
36 privileges are revoked or suspended where the revocation or

1 suspension was for a violation of subsection (a), Section
2 11-501.1, paragraph (b) of Section 11-401, or for reckless
3 homicide as defined in Section 9-3 of the Criminal Code of
4 1961, is guilty of a Class 2 felony and is not eligible for
5 a sentence of probation or conditional discharge.

6 (c-2) (Blank).

7 (c-3) (Blank).

8 (c-4) (Blank).

9 (c-5)(1) A person who violates subsection (a), if the
10 person was transporting a person under the age of 16 at the
11 time of the violation, is subject to an additional
12 mandatory minimum fine of \$1,000, an additional mandatory
13 minimum 140 hours of community service, which shall include
14 40 hours of community service in a program benefiting
15 children, and an additional 2 days of imprisonment. The
16 imprisonment or assignment of community service under this
17 subdivision (c-5)(1) is not subject to suspension, nor is
18 the person eligible for a reduced sentence.

19 (2) Except as provided in subdivisions (c-5)(3) and
20 (c-5)(4) a person who violates subsection (a) a second
21 time, if at the time of the second violation the person was
22 transporting a person under the age of 16, is subject to an
23 additional 10 days of imprisonment, an additional
24 mandatory minimum fine of \$1,000, and an additional
25 mandatory minimum 140 hours of community service, which
26 shall include 40 hours of community service in a program
27 benefiting children. The imprisonment or assignment of
28 community service under this subdivision (c-5)(2) is not
29 subject to suspension, nor is the person eligible for a
30 reduced sentence.

31 (3) Except as provided in subdivision (c-5)(4), any
32 person convicted of violating subdivision (c-5)(2) or a
33 similar provision within 10 years of a previous violation
34 of subsection (a) or a similar provision shall receive, in
35 addition to any other penalty imposed, a mandatory minimum
36 12 days imprisonment, an additional 40 hours of mandatory

1 community service in a program benefiting children, and a
2 mandatory minimum fine of \$1,750. The imprisonment or
3 assignment of community service under this subdivision
4 (c-5)(3) is not subject to suspension, nor is the person
5 eligible for a reduced sentence.

6 (4) Any person convicted of violating subdivision
7 (c-5)(2) or a similar provision within 5 years of a
8 previous violation of subsection (a) or a similar provision
9 shall receive, in addition to any other penalty imposed, an
10 additional 80 hours of mandatory community service in a
11 program benefiting children, an additional mandatory
12 minimum 12 days of imprisonment, and a mandatory minimum
13 fine of \$1,750. The imprisonment or assignment of community
14 service under this subdivision (c-5)(4) is not subject to
15 suspension, nor is the person eligible for a reduced
16 sentence.

17 (5) Any person convicted a third time for violating
18 subsection (a) or a similar provision, if at the time of
19 the third violation the person was transporting a person
20 under the age of 16, is guilty of a Class 4 felony and
21 shall receive, in addition to any other penalty imposed, an
22 additional mandatory fine of \$1,000, an additional
23 mandatory 140 hours of community service, which shall
24 include 40 hours in a program benefiting children, and a
25 mandatory minimum 30 days of imprisonment. The
26 imprisonment or assignment of community service under this
27 subdivision (c-5)(5) is not subject to suspension, nor is
28 the person eligible for a reduced sentence.

29 (6) Any person convicted of violating subdivision
30 (c-5)(5) or a similar provision a third time within 20
31 years of a previous violation of subsection (a) or a
32 similar provision is guilty of a Class 4 felony and shall
33 receive, in addition to any other penalty imposed, an
34 additional mandatory 40 hours of community service in a
35 program benefiting children, an additional mandatory fine
36 of \$3,000, and a mandatory minimum 120 days of

1 imprisonment. The imprisonment or assignment of community
2 service under this subdivision (c-5)(6) is not subject to
3 suspension, nor is the person eligible for a reduced
4 sentence.

5 (7) Any person convicted a fourth or subsequent time
6 for violating subsection (a) or a similar provision, if at
7 the time of the fourth or subsequent violation the person
8 was transporting a person under the age of 16, and if the
9 person's 3 prior violations of subsection (a) or a similar
10 provision occurred while transporting a person under the
11 age of 16 or while the alcohol concentration in his or her
12 blood, breath, or urine was 0.16 or more based on the
13 definition of blood, breath, or urine units in Section
14 11-501.2, is guilty of a Class 2 felony, is not eligible
15 for probation or conditional discharge, and is subject to a
16 minimum fine of \$3,000.

17 (c-6)(1) Any person convicted of a first violation of
18 subsection (a) or a similar provision, if the alcohol
19 concentration in his or her blood, breath, or urine was
20 0.16 or more based on the definition of blood, breath, or
21 urine units in Section 11-501.2, shall be subject, in
22 addition to any other penalty that may be imposed, to a
23 mandatory minimum of 100 hours of community service and a
24 mandatory minimum fine of \$500.

25 (2) Any person convicted of a second violation of
26 subsection (a) or a similar provision committed within 10
27 years of a previous violation of subsection (a) or a
28 similar provision, if at the time of the second violation
29 of subsection (a) or a similar provision the alcohol
30 concentration in his or her blood, breath, or urine was
31 0.16 or more based on the definition of blood, breath, or
32 urine units in Section 11-501.2, shall be subject, in
33 addition to any other penalty that may be imposed, to a
34 mandatory minimum of 2 days of imprisonment and a mandatory
35 minimum fine of \$1,250.

36 (3) Any person convicted of a third violation of

1 subsection (a) or a similar provision within 20 years of a
2 previous violation of subsection (a) or a similar
3 provision, if at the time of the third violation of
4 subsection (a) or a similar provision the alcohol
5 concentration in his or her blood, breath, or urine was
6 0.16 or more based on the definition of blood, breath, or
7 urine units in Section 11-501.2, is guilty of a Class 4
8 felony and shall be subject, in addition to any other
9 penalty that may be imposed, to a mandatory minimum of 90
10 days of imprisonment and a mandatory minimum fine of
11 \$2,500.

12 (4) Any person convicted of a fourth or subsequent
13 violation of subsection (a) or a similar provision, if at
14 the time of the fourth or subsequent violation the alcohol
15 concentration in his or her blood, breath, or urine was
16 0.16 or more based on the definition of blood, breath, or
17 urine units in Section 11-501.2, and if the person's 3
18 prior violations of subsection (a) or a similar provision
19 occurred while transporting a person under the age of 16 or
20 while the alcohol concentration in his or her blood,
21 breath, or urine was 0.16 or more based on the definition
22 of blood, breath, or urine units in Section 11-501.2, is
23 guilty of a Class 2 felony and is not eligible for a
24 sentence of probation or conditional discharge and is
25 subject to a minimum fine of \$2,500.

26 (d) (1) Every person convicted of committing a violation of
27 this Section shall be guilty of aggravated driving under
28 the influence of alcohol, other drug or drugs, or
29 intoxicating compound or compounds, or any combination
30 thereof if:

31 (A) the person committed a violation of subsection
32 (a) or a similar provision for the third or subsequent
33 time;

34 (B) the person committed a violation of subsection
35 (a) while driving a school bus with persons 18 years of
36 age or younger on board;

1 (C) the person in committing a violation of
2 subsection (a) was involved in a motor vehicle accident
3 that resulted in great bodily harm or permanent
4 disability or disfigurement to another, when the
5 violation was a proximate cause of the injuries;

6 (D) the person committed a violation of subsection
7 (a) for a second time and has been previously convicted
8 of violating Section 9-3 of the Criminal Code of 1961
9 or a similar provision of a law of another state
10 relating to reckless homicide in which the person was
11 determined to have been under the influence of alcohol,
12 other drug or drugs, or intoxicating compound or
13 compounds as an element of the offense or the person
14 has previously been convicted under subparagraph (C)
15 or subparagraph (F) of this paragraph (1);

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

25 (F) the person, in committing a violation of
26 subsection (a), was involved in a motor vehicle,
27 snowmobile, all-terrain vehicle, or watercraft
28 accident that resulted in the death of another person,
29 when the violation of subsection (a) was a proximate
30 cause of the death.

31 (2) Except as provided in this paragraph (2), a person
32 convicted of aggravated driving under the influence of
33 alcohol, other drug or drugs, or intoxicating compound or
34 compounds, or any combination thereof is guilty of a Class
35 4 felony. For a violation of subparagraph (C) of paragraph
36 (1) of this subsection (d), the defendant, if sentenced to

1 a term of imprisonment, shall be sentenced to not less than
2 one year nor more than 12 years. Aggravated driving under
3 the influence of alcohol, other drug or drugs, or
4 intoxicating compound or compounds, or any combination
5 thereof as defined in subparagraph (F) of paragraph (1) of
6 this subsection (d) is a Class 2 felony, for which the
7 defendant, if sentenced to a term of imprisonment, shall be
8 sentenced to: (A) a term of imprisonment of not less than 3
9 years and not more than 14 years if the violation resulted
10 in the death of one person; or (B) a term of imprisonment
11 of not less than 6 years and not more than 28 years if the
12 violation resulted in the deaths of 2 or more persons. For
13 any prosecution under this subsection (d), a certified copy
14 of the driving abstract of the defendant shall be admitted
15 as proof of any prior conviction. Any person sentenced
16 under this subsection (d) who receives a term of probation
17 or conditional discharge must serve a minimum term of
18 either 480 hours of community service or 10 days of
19 imprisonment as a condition of the probation or conditional
20 discharge. This mandatory minimum term of imprisonment or
21 assignment of community service may not be suspended or
22 reduced by the court.

23 (e) After a finding of guilt and prior to any final
24 sentencing, or an order for supervision, for an offense based
25 upon an arrest for a violation of this Section or a similar
26 provision of a local ordinance, individuals shall be required
27 to undergo a professional evaluation to determine if an
28 alcohol, drug, or intoxicating compound abuse problem exists
29 and the extent of the problem, and undergo the imposition of
30 treatment as appropriate. Programs conducting these
31 evaluations shall be licensed by the Department of Human
32 Services. The cost of any professional evaluation shall be paid
33 for by the individual required to undergo the professional
34 evaluation.

35 (e-1) Any person who is found guilty of or pleads guilty to
36 violating this Section, including any person receiving a

1 disposition of court supervision for violating this Section,
2 may be required by the Court to attend a victim impact panel
3 offered by, or under contract with, a County State's Attorney's
4 office, a probation and court services department, Mothers
5 Against Drunk Driving, or the Alliance Against Intoxicated
6 Motorists. All costs generated by the victim impact panel shall
7 be paid from fees collected from the offender or as may be
8 determined by the court.

9 (f) Every person found guilty of violating this Section,
10 whose operation of a motor vehicle while in violation of this
11 Section proximately caused any incident resulting in an
12 appropriate emergency response, shall be liable for the expense
13 of an emergency response as provided under Section 5-5-3 of the
14 Unified Code of Corrections.

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

18 (h) (Blank).

19 (i) The Secretary of State shall require the use of
20 ignition interlock devices on all vehicles owned by an
21 individual who has been convicted of a second or subsequent
22 offense of this Section or a similar provision of a local
23 ordinance. The Secretary shall establish by rule and regulation
24 the procedures for certification and use of the interlock
25 system.

26 (j) In addition to any other penalties and liabilities, a
27 person who is found guilty of or pleads guilty to violating
28 subsection (a), including any person placed on court
29 supervision for violating subsection (a), shall be fined \$500,
30 payable to the circuit clerk, who shall distribute the money as
31 follows: 20% to the law enforcement agency that made the arrest
32 and 80% shall be forwarded to the State Treasurer for deposit
33 into the General Revenue Fund. If the person has been
34 previously convicted of violating subsection (a) or a similar
35 provision of a local ordinance, the fine shall be \$1,000. In
36 the event that more than one agency is responsible for the

1 arrest, the amount payable to law enforcement agencies shall be
2 shared equally. Any moneys received by a law enforcement agency
3 under this subsection (j) shall be used for enforcement and
4 prevention of driving while under the influence of alcohol,
5 other drug or drugs, intoxicating compound or compounds or any
6 combination thereof, as defined by this Section, including but
7 not limited to the ~~to~~ purchase of law enforcement equipment and
8 commodities that will assist in the prevention of alcohol
9 related criminal violence throughout the State; police officer
10 training and education in areas related to alcohol related
11 crime, including but not limited to DUI training; and police
12 officer salaries, including but not limited to salaries for
13 hire back funding for safety checkpoints, saturation patrols,
14 and liquor store sting operations. Equipment and commodities-
15 ~~This~~ shall include, but are ~~is~~ not limited to, in-car video
16 cameras, radar and laser speed detection devices, and alcohol
17 breath testers. Any moneys received by the Department of State
18 Police under this subsection (j) shall be deposited into the
19 State Police DUI Fund and shall be used for enforcement and
20 prevention of driving while under the influence of alcohol,
21 other drug or drugs, intoxicating compound or compounds or any
22 combination thereof, as defined by this Section, including but
23 not limited to the ~~to~~ purchase of law enforcement equipment and
24 commodities that will assist in the prevention of alcohol
25 related criminal violence throughout the State; police officer
26 training and education in areas related to alcohol related
27 crime, including but not limited to DUI training; and police
28 officer salaries, including but not limited to salaries for
29 hire back funding for safety checkpoints, saturation patrols,
30 and liquor store sting operations.

31 (k) The Secretary of State Police DUI Fund is created as a
32 special fund in the State treasury. All moneys received by the
33 Secretary of State Police under subsection (j) of this Section
34 shall be deposited into the Secretary of State Police DUI Fund
35 and, subject to appropriation, shall be used for enforcement
36 and prevention of driving while under the influence of alcohol,

1 other drug or drugs, intoxicating compound or compounds or any
2 combination thereof, as defined by this Section, including but
3 not limited to the ~~to~~ purchase of law enforcement equipment and
4 commodities to assist in the prevention of alcohol related
5 criminal violence throughout the State; police officer
6 training and education in areas related to alcohol related
7 crime, including but not limited to DUI training; and police
8 officer salaries, including but not limited to salaries for
9 hire back funding for safety checkpoints, saturation patrols,
10 and liquor store sting operations.

11 (l) Whenever an individual is sentenced for an offense
12 based upon an arrest for a violation of subsection (a) or a
13 similar provision of a local ordinance, and the professional
14 evaluation recommends remedial or rehabilitative treatment or
15 education, neither the treatment nor the education shall be the
16 sole disposition and either or both may be imposed only in
17 conjunction with another disposition. The court shall monitor
18 compliance with any remedial education or treatment
19 recommendations contained in the professional evaluation.
20 Programs conducting alcohol or other drug evaluation or
21 remedial education must be licensed by the Department of Human
22 Services. If the individual is not a resident of Illinois,
23 however, the court may accept an alcohol or other drug
24 evaluation or remedial education program in the individual's
25 state of residence. Programs providing treatment must be
26 licensed under existing applicable alcoholism and drug
27 treatment licensure standards.

28 (m) In addition to any other fine or penalty required by
29 law, an individual convicted of a violation of subsection (a),
30 Section 5-7 of the Snowmobile Registration and Safety Act,
31 Section 5-16 of the Boat Registration and Safety Act, or a
32 similar provision, whose operation of a motor vehicle,
33 snowmobile, or watercraft while in violation of subsection (a),
34 Section 5-7 of the Snowmobile Registration and Safety Act,
35 Section 5-16 of the Boat Registration and Safety Act, or a
36 similar provision proximately caused an incident resulting in

1 an appropriate emergency response, shall be required to make
2 restitution to a public agency for the costs of that emergency
3 response. The restitution may not exceed \$1,000 per public
4 agency for each emergency response. As used in this subsection
5 (m), "emergency response" means any incident requiring a
6 response by a police officer, a firefighter carried on the
7 rolls of a regularly constituted fire department, or an
8 ambulance.

9 (Source: P.A. 92-248, eff. 8-3-01; 92-418, eff. 8-17-01;
10 92-420, eff. 8-17-01; 92-429, eff. 1-1-02; 92-431, eff. 1-1-02;
11 92-651, eff. 7-11-02; 93-156, eff. 1-1-04; 93-213, eff.
12 7-18-03; 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800,
13 eff. 1-1-05; 93-840, eff. 7-30-04; 93-1093, eff. 3-29-05.)

14 (Text of Section from P.A. 94-110)

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

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

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

23 (2) under the influence of alcohol;

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

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

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

33 (6) there is any amount of a drug, substance, or
34 compound in the person's breath, blood, or urine resulting
35 from the unlawful use or consumption of cannabis listed in

1 the Cannabis Control Act, a controlled substance listed in
2 the Illinois Controlled Substances Act, or an intoxicating
3 compound listed in the Use of Intoxicating Compounds Act.

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

9 (b-1) With regard to penalties imposed under this Section:

10 (1) Any reference to a prior violation of subsection
11 (a) or a similar provision includes any violation of a
12 provision of a local ordinance or a provision of a law of
13 another state that is similar to a violation of subsection
14 (a) of this Section.

15 (2) Any penalty imposed for driving with a license that
16 has been revoked for a previous violation of subsection (a)
17 of this Section shall be in addition to the penalty imposed
18 for any subsequent violation of subsection (a).

19 (b-2) Except as otherwise provided in this Section, any
20 person convicted of violating subsection (a) of this Section is
21 guilty of a Class A misdemeanor.

22 (b-3) In addition to any other criminal or administrative
23 sanction for any second conviction of violating subsection (a)
24 or a similar provision committed within 5 years of a previous
25 violation of subsection (a) or a similar provision, the
26 defendant shall be sentenced to a mandatory minimum of 5 days
27 of imprisonment or assigned a mandatory minimum of 240 hours of
28 community service as may be determined by the court.

29 (b-4) In the case of a third or subsequent violation
30 committed within 5 years of a previous violation of subsection
31 (a) or a similar provision, in addition to any other criminal
32 or administrative sanction, a mandatory minimum term of either
33 10 days of imprisonment or 480 hours of community service shall
34 be imposed.

35 (b-5) The imprisonment or assignment of community service
36 under subsections (b-3) and (b-4) shall not be subject to

1 suspension, nor shall the person be eligible for a reduced
2 sentence.

3 (c) (Blank).

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

11 (2) A person who violates subsection (a) a third time,
12 if the third violation occurs during a period in which his
13 or her driving privileges are revoked or suspended where
14 the revocation or suspension was for a violation of
15 subsection (a), Section 11-501.1, paragraph (b) of Section
16 11-401, or for reckless homicide as defined in Section 9-3
17 of the Criminal Code of 1961, is guilty of a Class 3
18 felony; and if the person receives a term of probation or
19 conditional discharge, he or she shall be required to serve
20 a mandatory minimum of 10 days of imprisonment or shall be
21 assigned a mandatory minimum of 480 hours of community
22 service, as may be determined by the court, as a condition
23 of the probation or conditional discharge. This mandatory
24 minimum term of imprisonment or assignment of community
25 service shall not be suspended or reduced by the court.

26 (2.2) A person who violates subsection (a), if the
27 violation occurs during a period in which his or her
28 driving privileges are revoked or suspended where the
29 revocation or suspension was for a violation of subsection
30 (a) or Section 11-501.1, shall also be sentenced to an
31 additional mandatory minimum term of 30 consecutive days of
32 imprisonment, 40 days of 24-hour periodic imprisonment, or
33 720 hours of community service, as may be determined by the
34 court. This mandatory term of imprisonment or assignment of
35 community service shall not be suspended or reduced by the
36 court.

1 (3) A person who violates subsection (a) a fourth or
2 subsequent time, if the fourth or subsequent violation
3 occurs during a period in which his or her driving
4 privileges are revoked or suspended where the revocation or
5 suspension was for a violation of subsection (a), Section
6 11-501.1, paragraph (b) of Section 11-401, or for reckless
7 homicide as defined in Section 9-3 of the Criminal Code of
8 1961, is guilty of a Class 2 felony and is not eligible for
9 a sentence of probation or conditional discharge.

10 (c-2) (Blank).

11 (c-3) (Blank).

12 (c-4) (Blank).

13 (c-5) Except as provided in subsection (c-5.1), a person 21
14 years of age or older who violates subsection (a), if the
15 person was transporting a person under the age of 16 at the
16 time of the violation, is subject to 6 months of imprisonment,
17 an additional mandatory minimum fine of \$1,000, and 25 days of
18 community service in a program benefiting children. The
19 imprisonment or assignment of community service under this
20 subsection (c-5) is not subject to suspension, nor is the
21 person eligible for a reduced sentence.

22 (c-5.1) A person 21 years of age or older who is convicted
23 of violating subsection (a) of this Section a first time and
24 who in committing that violation was involved in a motor
25 vehicle accident that resulted in bodily harm to the child
26 under the age of 16 being transported by the person, if the
27 violation was the proximate cause of the injury, is guilty of a
28 Class 4 felony and is subject to one year of imprisonment, a
29 mandatory fine of \$2,500, and 25 days of community service in a
30 program benefiting children. The imprisonment or assignment to
31 community service under this subsection (c-5.1) shall not be
32 subject to suspension, nor shall the person be eligible for
33 probation in order to reduce the sentence or assignment.

34 (c-6) Except as provided in subsections (c-7) and (c-7.1),
35 a person 21 years of age or older who violates subsection (a) a
36 second time, if at the time of the second violation the person

1 was transporting a person under the age of 16, is subject to 6
2 months of imprisonment, an additional mandatory minimum fine of
3 \$1,000, and an additional mandatory minimum 140 hours of
4 community service, which shall include 40 hours of community
5 service in a program benefiting children. The imprisonment or
6 assignment of community service under this subsection (c-6) is
7 not subject to suspension, nor is the person eligible for a
8 reduced sentence.

9 (c-7) Except as provided in subsection (c-7.1), any person
10 21 years of age or older convicted of violating subsection
11 (c-6) or a similar provision within 10 years of a previous
12 violation of subsection (a) or a similar provision is guilty of
13 a Class 4 felony and, in addition to any other penalty imposed,
14 is subject to one year of imprisonment, 25 days of mandatory
15 community service in a program benefiting children, and a
16 mandatory fine of \$2,500. The imprisonment or assignment of
17 community service under this subsection (c-7) is not subject to
18 suspension, nor is the person eligible for a reduced sentence.

19 (c-7.1) A person 21 years of age or older who is convicted
20 of violating subsection (a) of this Section a second time
21 within 10 years and who in committing that violation was
22 involved in a motor vehicle accident that resulted in bodily
23 harm to the child under the age of 16 being transported, if the
24 violation was the proximate cause of the injury, is guilty of a
25 Class 4 felony and is subject to 18 months of imprisonment, a
26 mandatory fine of \$5,000, and 25 days of community service in a
27 program benefiting children. The imprisonment or assignment to
28 community service under this subsection (c-7.1) shall not be
29 subject to suspension, nor shall the person be eligible for
30 probation in order to reduce the sentence or assignment.

31 (c-8) (Blank).

32 (c-9) Any person 21 years of age or older convicted a third
33 time for violating subsection (a) or a similar provision, if at
34 the time of the third violation the person was transporting a
35 person under the age of 16, is guilty of a Class 4 felony and is
36 subject to 18 months of imprisonment, a mandatory fine of

1 \$2,500, and 25 days of community service in a program
2 benefiting children. The imprisonment or assignment of
3 community service under this subsection (c-9) is not subject to
4 suspension, nor is the person eligible for a reduced sentence.

5 (c-10) Any person 21 years of age or older convicted of
6 violating subsection (c-9) or a similar provision a third time
7 within 20 years of a previous violation of subsection (a) or a
8 similar provision is guilty of a Class 3 felony and, in
9 addition to any other penalty imposed, is subject to 3 years of
10 imprisonment, 25 days of community service in a program
11 benefiting children, and a mandatory fine of \$25,000. The
12 imprisonment or assignment of community service under this
13 subsection (c-10) is not subject to suspension, nor is the
14 person eligible for a reduced sentence.

15 (c-11) Any person 21 years of age or older convicted a
16 fourth or subsequent time for violating subsection (a) or a
17 similar provision, if at the time of the fourth or subsequent
18 violation the person was transporting a person under the age of
19 16, and if the person's 3 prior violations of subsection (a) or
20 a similar provision occurred while transporting a person under
21 the age of 16 or while the alcohol concentration in his or her
22 blood, breath, or urine was 0.16 or more based on the
23 definition of blood, breath, or urine units in Section
24 11-501.2, is guilty of a Class 2 felony, is not eligible for
25 probation or conditional discharge, and is subject to a minimum
26 fine of \$25,000.

27 (c-12) Any person convicted of a first violation of
28 subsection (a) or a similar provision, if the alcohol
29 concentration in his or her blood, breath, or urine was 0.16 or
30 more based on the definition of blood, breath, or urine units
31 in Section 11-501.2, shall be subject, in addition to any other
32 penalty that may be imposed, to a mandatory minimum of 100
33 hours of community service and a mandatory minimum fine of
34 \$500.

35 (c-13) Any person convicted of a second violation of
36 subsection (a) or a similar provision committed within 10 years

1 of a previous violation of subsection (a) or a similar
2 provision, if at the time of the second violation of subsection
3 (a) or a similar provision the alcohol concentration in his or
4 her blood, breath, or urine was 0.16 or more based on the
5 definition of blood, breath, or urine units in Section
6 11-501.2, shall be subject, in addition to any other penalty
7 that may be imposed, to a mandatory minimum of 2 days of
8 imprisonment and a mandatory minimum fine of \$1,250.

9 (c-14) Any person convicted of a third violation of
10 subsection (a) or a similar provision within 20 years of a
11 previous violation of subsection (a) or a similar provision, if
12 at the time of the third violation of subsection (a) or a
13 similar provision the alcohol concentration in his or her
14 blood, breath, or urine was 0.16 or more based on the
15 definition of blood, breath, or urine units in Section
16 11-501.2, is guilty of a Class 4 felony and shall be subject,
17 in addition to any other penalty that may be imposed, to a
18 mandatory minimum of 90 days of imprisonment and a mandatory
19 minimum fine of \$2,500.

20 (c-15) Any person convicted of a fourth or subsequent
21 violation of subsection (a) or a similar provision, if at the
22 time of the fourth or subsequent violation the alcohol
23 concentration in his or her blood, breath, or urine was 0.16 or
24 more based on the definition of blood, breath, or urine units
25 in Section 11-501.2, and if the person's 3 prior violations of
26 subsection (a) or a similar provision occurred while
27 transporting a person under the age of 16 or while the alcohol
28 concentration in his or her blood, breath, or urine was 0.16 or
29 more based on the definition of blood, breath, or urine units
30 in Section 11-501.2, is guilty of a Class 2 felony and is not
31 eligible for a sentence of probation or conditional discharge
32 and is subject to a minimum fine of \$2,500.

33 (d) (1) Every person convicted of committing a violation of
34 this Section shall be guilty of aggravated driving under
35 the influence of alcohol, other drug or drugs, or
36 intoxicating compound or compounds, or any combination

1 thereof if:

2 (A) the person committed a violation of subsection
3 (a) or a similar provision for the third or subsequent
4 time;

5 (B) the person committed a violation of subsection
6 (a) while driving a school bus with persons 18 years of
7 age or younger on board;

8 (C) the person in committing a violation of
9 subsection (a) was involved in a motor vehicle accident
10 that resulted in great bodily harm or permanent
11 disability or disfigurement to another, when the
12 violation was a proximate cause of the injuries;

13 (D) the person committed a violation of subsection
14 (a) for a second time and has been previously convicted
15 of violating Section 9-3 of the Criminal Code of 1961
16 or a similar provision of a law of another state
17 relating to reckless homicide in which the person was
18 determined to have been under the influence of alcohol,
19 other drug or drugs, or intoxicating compound or
20 compounds as an element of the offense or the person
21 has previously been convicted under subparagraph (C)
22 or subparagraph (F) of this paragraph (1);

23 (E) the person, in committing a violation of
24 subsection (a) while driving at any speed in a school
25 speed zone at a time when a speed limit of 20 miles per
26 hour was in effect under subsection (a) of Section
27 11-605 of this Code, was involved in a motor vehicle
28 accident that resulted in bodily harm, other than great
29 bodily harm or permanent disability or disfigurement,
30 to another person, when the violation of subsection (a)
31 was a proximate cause of the bodily harm; or

32 (F) the person, in committing a violation of
33 subsection (a), was involved in a motor vehicle,
34 snowmobile, all-terrain vehicle, or watercraft
35 accident that resulted in the death of another person,
36 when the violation of subsection (a) was a proximate

1 cause of the death.

2 (2) Except as provided in this paragraph (2), a person
3 convicted of aggravated driving under the influence of
4 alcohol, other drug or drugs, or intoxicating compound or
5 compounds, or any combination thereof is guilty of a Class
6 4 felony. For a violation of subparagraph (C) of paragraph
7 (1) of this subsection (d), the defendant, if sentenced to
8 a term of imprisonment, shall be sentenced to not less than
9 one year nor more than 12 years. Aggravated driving under
10 the influence of alcohol, other drug or drugs, or
11 intoxicating compound or compounds, or any combination
12 thereof as defined in subparagraph (F) of paragraph (1) of
13 this subsection (d) is a Class 2 felony, for which the
14 defendant, if sentenced to a term of imprisonment, shall be
15 sentenced to: (A) a term of imprisonment of not less than 3
16 years and not more than 14 years if the violation resulted
17 in the death of one person; or (B) a term of imprisonment
18 of not less than 6 years and not more than 28 years if the
19 violation resulted in the deaths of 2 or more persons. For
20 any prosecution under this subsection (d), a certified copy
21 of the driving abstract of the defendant shall be admitted
22 as proof of any prior conviction. Any person sentenced
23 under this subsection (d) who receives a term of probation
24 or conditional discharge must serve a minimum term of
25 either 480 hours of community service or 10 days of
26 imprisonment as a condition of the probation or conditional
27 discharge. This mandatory minimum term of imprisonment or
28 assignment of community service may not be suspended or
29 reduced by the court.

30 (e) After a finding of guilt and prior to any final
31 sentencing, or an order for supervision, for an offense based
32 upon an arrest for a violation of this Section or a similar
33 provision of a local ordinance, individuals shall be required
34 to undergo a professional evaluation to determine if an
35 alcohol, drug, or intoxicating compound abuse problem exists
36 and the extent of the problem, and undergo the imposition of

1 treatment as appropriate. Programs conducting these
2 evaluations shall be licensed by the Department of Human
3 Services. The cost of any professional evaluation shall be paid
4 for by the individual required to undergo the professional
5 evaluation.

6 (e-1) Any person who is found guilty of or pleads guilty to
7 violating this Section, including any person receiving a
8 disposition of court supervision for violating this Section,
9 may be required by the Court to attend a victim impact panel
10 offered by, or under contract with, a County State's Attorney's
11 office, a probation and court services department, Mothers
12 Against Drunk Driving, or the Alliance Against Intoxicated
13 Motorists. All costs generated by the victim impact panel shall
14 be paid from fees collected from the offender or as may be
15 determined by the court.

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

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

25 (h) (Blank).

26 (i) The Secretary of State shall require the use of
27 ignition interlock devices on all vehicles owned by an
28 individual who has been convicted of a second or subsequent
29 offense of this Section or a similar provision of a local
30 ordinance. The Secretary shall establish by rule and regulation
31 the procedures for certification and use of the interlock
32 system.

33 (j) In addition to any other penalties and liabilities, a
34 person who is found guilty of or pleads guilty to violating
35 subsection (a), including any person placed on court
36 supervision for violating subsection (a), shall be fined \$500,

1 payable to the circuit clerk, who shall distribute the money as
2 follows: 20% to the law enforcement agency that made the arrest
3 and 80% shall be forwarded to the State Treasurer for deposit
4 into the General Revenue Fund. If the person has been
5 previously convicted of violating subsection (a) or a similar
6 provision of a local ordinance, the fine shall be \$1,000. In
7 the event that more than one agency is responsible for the
8 arrest, the amount payable to law enforcement agencies shall be
9 shared equally. Any moneys received by a law enforcement agency
10 under this subsection (j) shall be used for enforcement and
11 prevention of driving while under the influence of alcohol,
12 other drug or drugs, intoxicating compound or compounds or any
13 combination thereof, as defined by this Section, including but
14 not limited to the ~~to~~ purchase of law enforcement equipment and
15 commodities that will assist in the prevention of alcohol
16 related criminal violence throughout the State; police officer
17 training and education in areas related to alcohol related
18 crime, including but not limited to DUI training; and police
19 officer salaries, including but not limited to salaries for
20 hire back funding for safety checkpoints, saturation patrols,
21 and liquor store sting operations. Equipment and commodities.
22 ~~This~~ shall include, but are ~~is~~ not limited to, in-car video
23 cameras, radar and laser speed detection devices, and alcohol
24 breath testers. Any moneys received by the Department of State
25 Police under this subsection (j) shall be deposited into the
26 State Police DUI Fund and shall be used for enforcement and
27 prevention of driving while under the influence of alcohol,
28 other drug or drugs, intoxicating compound or compounds or any
29 combination thereof, as defined by this Section, including but
30 not limited to the ~~to~~ purchase of law enforcement equipment and
31 commodities that will assist in the prevention of alcohol
32 related criminal violence throughout the State; police officer
33 training and education in areas related to alcohol related
34 crime, including but not limited to DUI training; and police
35 officer salaries, including but not limited to salaries for
36 hire back funding for safety checkpoints, saturation patrols,

1 and liquor store sting operations.

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

18 (l) Whenever an individual is sentenced for an offense
19 based upon an arrest for a violation of subsection (a) or a
20 similar provision of a local ordinance, and the professional
21 evaluation recommends remedial or rehabilitative treatment or
22 education, neither the treatment nor the education shall be the
23 sole disposition and either or both may be imposed only in
24 conjunction with another disposition. The court shall monitor
25 compliance with any remedial education or treatment
26 recommendations contained in the professional evaluation.
27 Programs conducting alcohol or other drug evaluation or
28 remedial education must be licensed by the Department of Human
29 Services. If the individual is not a resident of Illinois,
30 however, the court may accept an alcohol or other drug
31 evaluation or remedial education program in the individual's
32 state of residence. Programs providing treatment must be
33 licensed under existing applicable alcoholism and drug
34 treatment licensure standards.

35 (m) In addition to any other fine or penalty required by
36 law, an individual convicted of a violation of subsection (a),

1 Section 5-7 of the Snowmobile Registration and Safety Act,
2 Section 5-16 of the Boat Registration and Safety Act, or a
3 similar provision, whose operation of a motor vehicle,
4 snowmobile, or watercraft while in violation of subsection (a),
5 Section 5-7 of the Snowmobile Registration and Safety Act,
6 Section 5-16 of the Boat Registration and Safety Act, or a
7 similar provision proximately caused an incident resulting in
8 an appropriate emergency response, shall be required to make
9 restitution to a public agency for the costs of that emergency
10 response. The restitution may not exceed \$1,000 per public
11 agency for each emergency response. As used in this subsection
12 (m), "emergency response" means any incident requiring a
13 response by a police officer, a firefighter carried on the
14 rolls of a regularly constituted fire department, or an
15 ambulance.

16 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;
17 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;
18 93-840, eff. 7-30-04; 94-110, eff. 1-1-06.)

19 (Text of Section from P.A. 94-113 and 94-609)

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

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

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

28 (2) under the influence of alcohol;

29 (3) under the influence of any intoxicating compound or
30 combination of intoxicating compounds to a degree that
31 renders the person incapable of driving safely;

32 (4) under the influence of any other drug or
33 combination of drugs to a degree that renders the person
34 incapable of safely driving;

35 (5) under the combined influence of alcohol, other drug

1 or drugs, or intoxicating compound or compounds to a degree
2 that renders the person incapable of safely driving; or

3 (6) there is any amount of a drug, substance, or
4 compound in the person's breath, blood, or urine resulting
5 from the unlawful use or consumption of cannabis listed in
6 the Cannabis Control Act, a controlled substance listed in
7 the Illinois Controlled Substances Act, or an intoxicating
8 compound listed in the Use of Intoxicating Compounds Act.

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

14 (b-1) With regard to penalties imposed under this Section:

15 (1) Any reference to a prior violation of subsection

16 (a) or a similar provision includes any violation of a
17 provision of a local ordinance or a provision of a law of
18 another state that is similar to a violation of subsection
19 (a) of this Section.

20 (2) Any penalty imposed for driving with a license that
21 has been revoked for a previous violation of subsection (a)
22 of this Section shall be in addition to the penalty imposed
23 for any subsequent violation of subsection (a).

24 (b-2) Except as otherwise provided in this Section, any
25 person convicted of violating subsection (a) of this Section is
26 guilty of a Class A misdemeanor.

27 (b-3) In addition to any other criminal or administrative
28 sanction for any second conviction of violating subsection (a)
29 or a similar provision committed within 5 years of a previous
30 violation of subsection (a) or a similar provision, the
31 defendant shall be sentenced to a mandatory minimum of 5 days
32 of imprisonment or assigned a mandatory minimum of 240 hours of
33 community service as may be determined by the court.

34 (b-4) In the case of a third or subsequent violation
35 committed within 5 years of a previous violation of subsection
36 (a) or a similar provision, in addition to any other criminal

1 or administrative sanction, a mandatory minimum term of either
2 10 days of imprisonment or 480 hours of community service shall
3 be imposed.

4 (b-5) The imprisonment or assignment of community service
5 under subsections (b-3) and (b-4) shall not be subject to
6 suspension, nor shall the person be eligible for a reduced
7 sentence.

8 (c) (Blank).

9 (c-1) (1) A person who violates subsection (a) during a
10 period in which his or her driving privileges are revoked
11 or suspended, where the revocation or suspension was for a
12 violation of subsection (a), Section 11-501.1, paragraph
13 (b) of Section 11-401, or for reckless homicide as defined
14 in Section 9-3 of the Criminal Code of 1961 is guilty of a
15 Class 4 felony.

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

24 (2.1) A person who violates subsection (a) a third
25 time, if the third violation occurs during a period in
26 which his or her driving privileges are revoked or
27 suspended where the revocation or suspension was for a
28 violation of subsection (a), Section 11-501.1, subsection
29 (b) of Section 11-401, or for reckless homicide as defined
30 in Section 9-3 of the Criminal Code of 1961, is guilty of a
31 Class 3 felony; and if the person receives a term of
32 probation or conditional discharge, he or she shall be
33 required to serve a mandatory minimum of 10 days of
34 imprisonment or shall be assigned a mandatory minimum of
35 480 hours of community service, as may be determined by the
36 court, as a condition of the probation or conditional

1 discharge. This mandatory minimum term of imprisonment or
2 assignment of community service shall not be suspended or
3 reduced by the court.

4 (2.2) A person who violates subsection (a), if the
5 violation occurs during a period in which his or her
6 driving privileges are revoked or suspended where the
7 revocation or suspension was for a violation of subsection
8 (a) or Section 11-501.1, shall also be sentenced to an
9 additional mandatory minimum term of 30 consecutive days of
10 imprisonment, 40 days of 24-hour periodic imprisonment, or
11 720 hours of community service, as may be determined by the
12 court. This mandatory term of imprisonment or assignment of
13 community service shall not be suspended or reduced by the
14 court.

15 (3) A person who violates subsection (a) a fourth or
16 subsequent time, if the fourth or subsequent violation
17 occurs during a period in which his or her driving
18 privileges are revoked or suspended where the revocation or
19 suspension was for a violation of subsection (a), Section
20 11-501.1, paragraph (b) of Section 11-401, or for reckless
21 homicide as defined in Section 9-3 of the Criminal Code of
22 1961, is guilty of a Class 2 felony and is not eligible for
23 a sentence of probation or conditional discharge.

24 (c-2) (Blank).

25 (c-3) (Blank).

26 (c-4) (Blank).

27 (c-5) A person who violates subsection (a), if the person
28 was transporting a person under the age of 16 at the time of
29 the violation, is subject to an additional mandatory minimum
30 fine of \$1,000, an additional mandatory minimum 140 hours of
31 community service, which shall include 40 hours of community
32 service in a program benefiting children, and an additional 2
33 days of imprisonment. The imprisonment or assignment of
34 community service under this subsection (c-5) is not subject to
35 suspension, nor is the person eligible for a reduced sentence.

36 (c-6) Except as provided in subsections (c-7) and (c-8) a

1 person who violates subsection (a) a second time, if at the
2 time of the second violation the person was transporting a
3 person under the age of 16, is subject to an additional 10 days
4 of imprisonment, an additional mandatory minimum fine of
5 \$1,000, and an additional mandatory minimum 140 hours of
6 community service, which shall include 40 hours of community
7 service in a program benefiting children. The imprisonment or
8 assignment of community service under this subsection (c-6) is
9 not subject to suspension, nor is the person eligible for a
10 reduced sentence.

11 (c-7) Except as provided in subsection (c-8), any person
12 convicted of violating subsection (c-6) or a similar provision
13 within 10 years of a previous violation of subsection (a) or a
14 similar provision shall receive, in addition to any other
15 penalty imposed, a mandatory minimum 12 days imprisonment, an
16 additional 40 hours of mandatory community service in a program
17 benefiting children, and a mandatory minimum fine of \$1,750.
18 The imprisonment or assignment of community service under this
19 subsection (c-7) is not subject to suspension, nor is the
20 person eligible for a reduced sentence.

21 (c-8) Any person convicted of violating subsection (c-6) or
22 a similar provision within 5 years of a previous violation of
23 subsection (a) or a similar provision shall receive, in
24 addition to any other penalty imposed, an additional 80 hours
25 of mandatory community service in a program benefiting
26 children, an additional mandatory minimum 12 days of
27 imprisonment, and a mandatory minimum fine of \$1,750. The
28 imprisonment or assignment of community service under this
29 subsection (c-8) is not subject to suspension, nor is the
30 person eligible for a reduced sentence.

31 (c-9) Any person convicted a third time for violating
32 subsection (a) or a similar provision, if at the time of the
33 third violation the person was transporting a person under the
34 age of 16, is guilty of a Class 4 felony and shall receive, in
35 addition to any other penalty imposed, an additional mandatory
36 fine of \$1,000, an additional mandatory 140 hours of community

1 service, which shall include 40 hours in a program benefiting
2 children, and a mandatory minimum 30 days of imprisonment. The
3 imprisonment or assignment of community service under this
4 subsection (c-9) is not subject to suspension, nor is the
5 person eligible for a reduced sentence.

6 (c-10) Any person convicted of violating subsection (c-9)
7 or a similar provision a third time within 20 years of a
8 previous violation of subsection (a) or a similar provision is
9 guilty of a Class 4 felony and shall receive, in addition to
10 any other penalty imposed, an additional mandatory 40 hours of
11 community service in a program benefiting children, an
12 additional mandatory fine of \$3,000, and a mandatory minimum
13 120 days of imprisonment. The imprisonment or assignment of
14 community service under this subsection (c-10) is not subject
15 to suspension, nor is the person eligible for a reduced
16 sentence.

17 (c-11) Any person convicted a fourth or subsequent time for
18 violating subsection (a) or a similar provision, if at the time
19 of the fourth or subsequent violation the person was
20 transporting a person under the age of 16, and if the person's
21 3 prior violations of subsection (a) or a similar provision
22 occurred while transporting a person under the age of 16 or
23 while the alcohol concentration in his or her blood, breath, or
24 urine was 0.16 or more based on the definition of blood,
25 breath, or urine units in Section 11-501.2, is guilty of a
26 Class 2 felony, is not eligible for probation or conditional
27 discharge, and is subject to a minimum fine of \$3,000.

28 (c-12) Any person convicted of a first violation of
29 subsection (a) or a similar provision, if the alcohol
30 concentration in his or her blood, breath, or urine was 0.16 or
31 more based on the definition of blood, breath, or urine units
32 in Section 11-501.2, shall be subject, in addition to any other
33 penalty that may be imposed, to a mandatory minimum of 100
34 hours of community service and a mandatory minimum fine of
35 \$500.

36 (c-13) Any person convicted of a second violation of

1 subsection (a) or a similar provision committed within 10 years
2 of a previous violation of subsection (a) or a similar
3 provision committed within 10 years of a previous violation of
4 subsection (a) or a similar provision, if at the time of the
5 second violation of subsection (a) the alcohol concentration in
6 his or her blood, breath, or urine was 0.16 or more based on
7 the definition of blood, breath, or urine units in Section
8 11-501.2, shall be subject, in addition to any other penalty
9 that may be imposed, to a mandatory minimum of 2 days of
10 imprisonment and a mandatory minimum fine of \$1,250.

11 (c-14) Any person convicted of a third violation of
12 subsection (a) or a similar provision within 20 years of a
13 previous violation of subsection (a) or a similar provision, if
14 at the time of the third violation of subsection (a) or a
15 similar provision the alcohol concentration in his or her
16 blood, breath, or urine was 0.16 or more based on the
17 definition of blood, breath, or urine units in Section
18 11-501.2, is guilty of a Class 4 felony and shall be subject,
19 in addition to any other penalty that may be imposed, to a
20 mandatory minimum of 90 days of imprisonment and a mandatory
21 minimum fine of \$2,500.

22 (c-15) Any person convicted of a fourth or subsequent
23 violation of subsection (a) or a similar provision, if at the
24 time of the fourth or subsequent violation the alcohol
25 concentration in his or her blood, breath, or urine was 0.16 or
26 more based on the definition of blood, breath, or urine units
27 in Section 11-501.2, and if the person's 3 prior violations of
28 subsection (a) or a similar provision occurred while
29 transporting a person under the age of 16 or while the alcohol
30 concentration in his or her blood, breath, or urine was 0.16 or
31 more based on the definition of blood, breath, or urine units
32 in Section 11-501.2, is guilty of a Class 2 felony and is not
33 eligible for a sentence of probation or conditional discharge
34 and is subject to a minimum fine of \$2,500.

35 (d) (1) Every person convicted of committing a violation of
36 this Section shall be guilty of aggravated driving under

1 the influence of alcohol, other drug or drugs, or
2 intoxicating compound or compounds, or any combination
3 thereof if:

4 (A) the person committed a violation of subsection
5 (a) or a similar provision for the third or subsequent
6 time;

7 (B) the person committed a violation of subsection
8 (a) while driving a school bus with persons 18 years of
9 age or younger on board;

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

15 (D) the person committed a violation of subsection
16 (a) for a second time and has been previously convicted
17 of violating Section 9-3 of the Criminal Code of 1961
18 or a similar provision of a law of another state
19 relating to reckless homicide in which the person was
20 determined to have been under the influence of alcohol,
21 other drug or drugs, or intoxicating compound or
22 compounds as an element of the offense or the person
23 has previously been convicted under subparagraph (C)
24 or subparagraph (F) of this paragraph (1);

25 (E) the person, in committing a violation of
26 subsection (a) while driving at any speed in a school
27 speed zone at a time when a speed limit of 20 miles per
28 hour was in effect under subsection (a) of Section
29 11-605 of this Code, was involved in a motor vehicle
30 accident that resulted in bodily harm, other than great
31 bodily harm or permanent disability or disfigurement,
32 to another person, when the violation of subsection (a)
33 was a proximate cause of the bodily harm; or

34 (F) the person, in committing a violation of
35 subsection (a), was involved in a motor vehicle,
36 snowmobile, all-terrain vehicle, or watercraft

1 accident that resulted in the death of another person,
2 when the violation of subsection (a) was a proximate
3 cause of the death.

4 (2) Except as provided in this paragraph (2), a person
5 convicted of aggravated driving under the influence of
6 alcohol, other drug or drugs, or intoxicating compound or
7 compounds, or any combination thereof is guilty of a Class
8 4 felony. For a violation of subparagraph (C) of paragraph
9 (1) of this subsection (d), the defendant, if sentenced to
10 a term of imprisonment, shall be sentenced to not less than
11 one year nor more than 12 years. Aggravated driving under
12 the influence of alcohol, other drug or drugs, or
13 intoxicating compound or compounds, or any combination
14 thereof as defined in subparagraph (F) of paragraph (1) of
15 this subsection (d) is a Class 2 felony, for which the
16 defendant, unless the court determines that extraordinary
17 circumstances exist and require probation, shall be
18 sentenced to: (A) a term of imprisonment of not less than 3
19 years and not more than 14 years if the violation resulted
20 in the death of one person; or (B) a term of imprisonment
21 of not less than 6 years and not more than 28 years if the
22 violation resulted in the deaths of 2 or more persons. For
23 any prosecution under this subsection (d), a certified copy
24 of the driving abstract of the defendant shall be admitted
25 as proof of any prior conviction. Any person sentenced
26 under this subsection (d) who receives a term of probation
27 or conditional discharge must serve a minimum term of
28 either 480 hours of community service or 10 days of
29 imprisonment as a condition of the probation or conditional
30 discharge. This mandatory minimum term of imprisonment or
31 assignment of community service may not be suspended or
32 reduced by the court.

33 (e) After a finding of guilt and prior to any final
34 sentencing, or an order for supervision, for an offense based
35 upon an arrest for a violation of this Section or a similar
36 provision of a local ordinance, individuals shall be required

1 to undergo a professional evaluation to determine if an
2 alcohol, drug, or intoxicating compound abuse problem exists
3 and the extent of the problem, and undergo the imposition of
4 treatment as appropriate. Programs conducting these
5 evaluations shall be licensed by the Department of Human
6 Services. The cost of any professional evaluation shall be paid
7 for by the individual required to undergo the professional
8 evaluation.

9 (e-1) Any person who is found guilty of or pleads guilty to
10 violating this Section, including any person receiving a
11 disposition of court supervision for violating this Section,
12 may be required by the Court to attend a victim impact panel
13 offered by, or under contract with, a County State's Attorney's
14 office, a probation and court services department, Mothers
15 Against Drunk Driving, or the Alliance Against Intoxicated
16 Motorists. All costs generated by the victim impact panel shall
17 be paid from fees collected from the offender or as may be
18 determined by the court.

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

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

28 (h) (Blank).

29 (i) The Secretary of State shall require the use of
30 ignition interlock devices on all vehicles owned by an
31 individual who has been convicted of a second or subsequent
32 offense of this Section or a similar provision of a local
33 ordinance. The Secretary shall establish by rule and regulation
34 the procedures for certification and use of the interlock
35 system.

36 (j) In addition to any other penalties and liabilities, a

1 person who is found guilty of or pleads guilty to violating
2 subsection (a), including any person placed on court
3 supervision for violating subsection (a), shall be fined \$500,
4 payable to the circuit clerk, who shall distribute the money as
5 follows: 20% to the law enforcement agency that made the arrest
6 and 80% shall be forwarded to the State Treasurer for deposit
7 into the General Revenue Fund. If the person has been
8 previously convicted of violating subsection (a) or a similar
9 provision of a local ordinance, the fine shall be \$1,000. In
10 the event that more than one agency is responsible for the
11 arrest, the amount payable to law enforcement agencies shall be
12 shared equally. Any moneys received by a law enforcement agency
13 under this subsection (j) shall be used for enforcement and
14 prevention of driving while under the influence of alcohol,
15 other drug or drugs, intoxicating compound or compounds or any
16 combination thereof, as defined by this Section, including but
17 not limited to the ~~to~~ purchase of law enforcement equipment and
18 commodities that will assist in the prevention of alcohol
19 related criminal violence throughout the State; police officer
20 training and education in areas related to alcohol related
21 crime, including but not limited to DUI training; and police
22 officer salaries, including but not limited to salaries for
23 hire back funding for safety checkpoints, saturation patrols,
24 and liquor store sting operations. Equipment and commodities.
25 ~~This~~ shall include, but are ~~is~~ not limited to, in-car video
26 cameras, radar and laser speed detection devices, and alcohol
27 breath testers. Any moneys received by the Department of State
28 Police under this subsection (j) shall be deposited into the
29 State Police DUI Fund and shall be used for enforcement and
30 prevention of driving while under the influence of alcohol,
31 other drug or drugs, intoxicating compound or compounds or any
32 combination thereof, as defined by this Section, including but
33 not limited to the ~~to~~ purchase of law enforcement equipment and
34 commodities that will assist in the prevention of alcohol
35 related criminal violence throughout the State; police officer
36 training and education in areas related to alcohol related

1 crime, including but not limited to DUI training; and police
2 officer salaries, including but not limited to salaries for
3 hire back funding for safety checkpoints, saturation patrols,
4 and liquor store sting operations.

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

21 (l) Whenever an individual is sentenced for an offense
22 based upon an arrest for a violation of subsection (a) or a
23 similar provision of a local ordinance, and the professional
24 evaluation recommends remedial or rehabilitative treatment or
25 education, neither the treatment nor the education shall be the
26 sole disposition and either or both may be imposed only in
27 conjunction with another disposition. The court shall monitor
28 compliance with any remedial education or treatment
29 recommendations contained in the professional evaluation.
30 Programs conducting alcohol or other drug evaluation or
31 remedial education must be licensed by the Department of Human
32 Services. If the individual is not a resident of Illinois,
33 however, the court may accept an alcohol or other drug
34 evaluation or remedial education program in the individual's
35 state of residence. Programs providing treatment must be
36 licensed under existing applicable alcoholism and drug

1 treatment licensure standards.

2 (m) In addition to any other fine or penalty required by
3 law, an individual convicted of a violation of subsection (a),
4 Section 5-7 of the Snowmobile Registration and Safety Act,
5 Section 5-16 of the Boat Registration and Safety Act, or a
6 similar provision, whose operation of a motor vehicle,
7 snowmobile, or watercraft while in violation of subsection (a),
8 Section 5-7 of the Snowmobile Registration and Safety Act,
9 Section 5-16 of the Boat Registration and Safety Act, or a
10 similar provision proximately caused an incident resulting in
11 an appropriate emergency response, shall be required to make
12 restitution to a public agency for the costs of that emergency
13 response. The restitution may not exceed \$1,000 per public
14 agency for each emergency response. As used in this subsection
15 (m), "emergency response" means any incident requiring a
16 response by a police officer, a firefighter carried on the
17 rolls of a regularly constituted fire department, or an
18 ambulance.

19 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;
20 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;
21 93-840, eff. 7-30-04; 94-113, eff. 1-1-06; 94-609, eff.
22 1-1-06.)

23 (Text of Section from P.A. 94-114)

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

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

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

32 (2) under the influence of alcohol;

33 (3) under the influence of any intoxicating compound or
34 combination of intoxicating compounds to a degree that
35 renders the person incapable of driving safely;

1 (4) under the influence of any other drug or
2 combination of drugs to a degree that renders the person
3 incapable of safely driving;

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

7 (6) there is any amount of a drug, substance, or
8 compound in the person's breath, blood, or urine resulting
9 from the unlawful use or consumption of cannabis listed in
10 the Cannabis Control Act, a controlled substance listed in
11 the Illinois Controlled Substances Act, or an intoxicating
12 compound listed in the Use of Intoxicating Compounds Act.

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

18 (b-1) With regard to penalties imposed under this Section:

19 (1) Any reference to a prior violation of subsection
20 (a) or a similar provision includes any violation of a
21 provision of a local ordinance or a provision of a law of
22 another state that is similar to a violation of subsection
23 (a) of this Section.

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

28 (b-2) Except as otherwise provided in this Section, any
29 person convicted of violating subsection (a) of this Section is
30 guilty of a Class A misdemeanor.

31 (b-3) In addition to any other criminal or administrative
32 sanction for any second conviction of violating subsection (a)
33 or a similar provision committed within 5 years of a previous
34 violation of subsection (a) or a similar provision, the
35 defendant shall be sentenced to a mandatory minimum of 5 days
36 of imprisonment or assigned a mandatory minimum of 240 hours of

1 community service as may be determined by the court.

2 (b-4) In the case of a third or subsequent violation
3 committed within 5 years of a previous violation of subsection
4 (a) or a similar provision, in addition to any other criminal
5 or administrative sanction, a mandatory minimum term of either
6 10 days of imprisonment or 480 hours of community service shall
7 be imposed.

8 (b-5) The imprisonment or assignment of community service
9 under subsections (b-3) and (b-4) shall not be subject to
10 suspension, nor shall the person be eligible for a reduced
11 sentence.

12 (c) (Blank).

13 (c-1) (1) A person who violates subsection (a) during a
14 period in which his or her driving privileges are revoked
15 or suspended, where the revocation or suspension was for a
16 violation of subsection (a), Section 11-501.1, paragraph
17 (b) of Section 11-401, or for reckless homicide as defined
18 in Section 9-3 of the Criminal Code of 1961 is guilty of a
19 Class 4 felony.

20 (2) A person who violates subsection (a) a third time,
21 if the third violation occurs during a period in which his
22 or her driving privileges are revoked or suspended where
23 the revocation or suspension was for a violation of
24 subsection (a), Section 11-501.1, paragraph (b) of Section
25 11-401, or for reckless homicide as defined in Section 9-3
26 of the Criminal Code of 1961, is guilty of a Class 3
27 felony.

28 (2.1) A person who violates subsection (a) a third
29 time, if the third violation occurs during a period in
30 which his or her driving privileges are revoked or
31 suspended where the revocation or suspension was for a
32 violation of subsection (a), Section 11-501.1, subsection
33 (b) of Section 11-401, or for reckless homicide as defined
34 in Section 9-3 of the Criminal Code of 1961, is guilty of a
35 Class 3 felony; and if the person receives a term of
36 probation or conditional discharge, he or she shall be

1 required to serve a mandatory minimum of 10 days of
2 imprisonment or shall be assigned a mandatory minimum of
3 480 hours of community service, as may be determined by the
4 court, as a condition of the probation or conditional
5 discharge. This mandatory minimum term of imprisonment or
6 assignment of community service shall not be suspended or
7 reduced by the court.

8 (2.2) A person who violates subsection (a), if the
9 violation occurs during a period in which his or her
10 driving privileges are revoked or suspended where the
11 revocation or suspension was for a violation of subsection
12 (a) or Section 11-501.1, shall also be sentenced to an
13 additional mandatory minimum term of 30 consecutive days of
14 imprisonment, 40 days of 24-hour periodic imprisonment, or
15 720 hours of community service, as may be determined by the
16 court. This mandatory term of imprisonment or assignment of
17 community service shall not be suspended or reduced by the
18 court.

19 (3) A person who violates subsection (a) a fourth or
20 fifth time, if the fourth or fifth violation occurs during
21 a period in which his or her driving privileges are revoked
22 or suspended where the revocation or suspension was for a
23 violation of subsection (a), Section 11-501.1, paragraph
24 (b) of Section 11-401, or for reckless homicide as defined
25 in Section 9-3 of the Criminal Code of 1961, is guilty of a
26 Class 2 felony and is not eligible for a sentence of
27 probation or conditional discharge.

28 (c-2) (Blank).

29 (c-3) (Blank).

30 (c-4) (Blank).

31 (c-5) A person who violates subsection (a), if the person
32 was transporting a person under the age of 16 at the time of
33 the violation, is subject to an additional mandatory minimum
34 fine of \$1,000, an additional mandatory minimum 140 hours of
35 community service, which shall include 40 hours of community
36 service in a program benefiting children, and an additional 2

1 days of imprisonment. The imprisonment or assignment of
2 community service under this subsection (c-5) is not subject to
3 suspension, nor is the person eligible for a reduced sentence.

4 (c-6) Except as provided in subsections (c-7) and (c-8) a
5 person who violates subsection (a) a second time, if at the
6 time of the second violation the person was transporting a
7 person under the age of 16, is subject to an additional 10 days
8 of imprisonment, an additional mandatory minimum fine of
9 \$1,000, and an additional mandatory minimum 140 hours of
10 community service, which shall include 40 hours of community
11 service in a program benefiting children. The imprisonment or
12 assignment of community service under this subsection (c-6) is
13 not subject to suspension, nor is the person eligible for a
14 reduced sentence.

15 (c-7) Except as provided in subsection (c-8), any person
16 convicted of violating subsection (c-6) or a similar provision
17 within 10 years of a previous violation of subsection (a) or a
18 similar provision shall receive, in addition to any other
19 penalty imposed, a mandatory minimum 12 days imprisonment, an
20 additional 40 hours of mandatory community service in a program
21 benefiting children, and a mandatory minimum fine of \$1,750.
22 The imprisonment or assignment of community service under this
23 subsection (c-7) is not subject to suspension, nor is the
24 person eligible for a reduced sentence.

25 (c-8) Any person convicted of violating subsection (c-6) or
26 a similar provision within 5 years of a previous violation of
27 subsection (a) or a similar provision shall receive, in
28 addition to any other penalty imposed, an additional 80 hours
29 of mandatory community service in a program benefiting
30 children, an additional mandatory minimum 12 days of
31 imprisonment, and a mandatory minimum fine of \$1,750. The
32 imprisonment or assignment of community service under this
33 subsection (c-8) is not subject to suspension, nor is the
34 person eligible for a reduced sentence.

35 (c-9) Any person convicted a third time for violating
36 subsection (a) or a similar provision, if at the time of the

1 third violation the person was transporting a person under the
2 age of 16, is guilty of a Class 4 felony and shall receive, in
3 addition to any other penalty imposed, an additional mandatory
4 fine of \$1,000, an additional mandatory 140 hours of community
5 service, which shall include 40 hours in a program benefiting
6 children, and a mandatory minimum 30 days of imprisonment. The
7 imprisonment or assignment of community service under this
8 subsection (c-9) is not subject to suspension, nor is the
9 person eligible for a reduced sentence.

10 (c-10) Any person convicted of violating subsection (c-9)
11 or a similar provision a third time within 20 years of a
12 previous violation of subsection (a) or a similar provision is
13 guilty of a Class 4 felony and shall receive, in addition to
14 any other penalty imposed, an additional mandatory 40 hours of
15 community service in a program benefiting children, an
16 additional mandatory fine of \$3,000, and a mandatory minimum
17 120 days of imprisonment. The imprisonment or assignment of
18 community service under this subsection (c-10) is not subject
19 to suspension, nor is the person eligible for a reduced
20 sentence.

21 (c-11) Any person convicted a fourth or fifth time for
22 violating subsection (a) or a similar provision, if at the time
23 of the fourth or fifth violation the person was transporting a
24 person under the age of 16, and if the person's 3 prior
25 violations of subsection (a) or a similar provision occurred
26 while transporting a person under the age of 16 or while the
27 alcohol concentration in his or her blood, breath, or urine was
28 0.16 or more based on the definition of blood, breath, or urine
29 units in Section 11-501.2, is guilty of a Class 2 felony, is
30 not eligible for probation or conditional discharge, and is
31 subject to a minimum fine of \$3,000.

32 (c-12) Any person convicted of a first violation of
33 subsection (a) or a similar provision, if the alcohol
34 concentration in his or her blood, breath, or urine was 0.16 or
35 more based on the definition of blood, breath, or urine units
36 in Section 11-501.2, shall be subject, in addition to any other

1 penalty that may be imposed, to a mandatory minimum of 100
2 hours of community service and a mandatory minimum fine of
3 \$500.

4 (c-13) Any person convicted of a second violation of
5 subsection (a) or a similar provision committed within 10 years
6 of a previous violation of subsection (a) or a similar
7 provision committed within 10 years of a previous violation of
8 subsection (a) or a similar provision, if at the time of the
9 second violation of subsection (a) the alcohol concentration in
10 his or her blood, breath, or urine was 0.16 or more based on
11 the definition of blood, breath, or urine units in Section
12 11-501.2, shall be subject, in addition to any other penalty
13 that may be imposed, to a mandatory minimum of 2 days of
14 imprisonment and a mandatory minimum fine of \$1,250.

15 (c-14) Any person convicted of a third violation of
16 subsection (a) or a similar provision within 20 years of a
17 previous violation of subsection (a) or a similar provision, if
18 at the time of the third violation of subsection (a) or a
19 similar provision the alcohol concentration in his or her
20 blood, breath, or urine was 0.16 or more based on the
21 definition of blood, breath, or urine units in Section
22 11-501.2, is guilty of a Class 4 felony and shall be subject,
23 in addition to any other penalty that may be imposed, to a
24 mandatory minimum of 90 days of imprisonment and a mandatory
25 minimum fine of \$2,500.

26 (c-15) Any person convicted of a fourth or fifth violation
27 of subsection (a) or a similar provision, if at the time of the
28 fourth or fifth violation the alcohol concentration in his or
29 her blood, breath, or urine was 0.16 or more based on the
30 definition of blood, breath, or urine units in Section
31 11-501.2, and if the person's 3 prior violations of subsection
32 (a) or a similar provision occurred while transporting a person
33 under the age of 16 or while the alcohol concentration in his
34 or her blood, breath, or urine was 0.16 or more based on the
35 definition of blood, breath, or urine units in Section
36 11-501.2, is guilty of a Class 2 felony and is not eligible for

1 a sentence of probation or conditional discharge and is subject
2 to a minimum fine of \$2,500.

3 (c-16) Any person convicted of a sixth or subsequent
4 violation of subsection (a) is guilty of a Class X felony.

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

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

13 (B) the person committed a violation of subsection
14 (a) while driving a school bus with persons 18 years of
15 age or younger on board;

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

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

31 (E) the person, in committing a violation of
32 subsection (a) while driving at any speed in a school
33 speed zone at a time when a speed limit of 20 miles per
34 hour was in effect under subsection (a) of Section
35 11-605 of this Code, was involved in a motor vehicle
36 accident that resulted in bodily harm, other than great

1 bodily harm or permanent disability or disfigurement,
2 to another person, when the violation of subsection (a)
3 was a proximate cause of the bodily harm; or

4 (F) the person, in committing a violation of
5 subsection (a), was involved in a motor vehicle,
6 snowmobile, all-terrain vehicle, or watercraft
7 accident that resulted in the death of another person,
8 when the violation of subsection (a) was a proximate
9 cause of the death.

10 (2) Except as provided in this paragraph (2), a person
11 convicted of aggravated driving under the influence of
12 alcohol, other drug or drugs, or intoxicating compound or
13 compounds, or any combination thereof is guilty of a Class
14 4 felony. For a violation of subparagraph (C) of paragraph
15 (1) of this subsection (d), the defendant, if sentenced to
16 a term of imprisonment, shall be sentenced to not less than
17 one year nor more than 12 years. Aggravated driving under
18 the influence of alcohol, other drug or drugs, or
19 intoxicating compound or compounds, or any combination
20 thereof as defined in subparagraph (F) of paragraph (1) of
21 this subsection (d) is a Class 2 felony, for which the
22 defendant, if sentenced to a term of imprisonment, shall be
23 sentenced to: (A) a term of imprisonment of not less than 3
24 years and not more than 14 years if the violation resulted
25 in the death of one person; or (B) a term of imprisonment
26 of not less than 6 years and not more than 28 years if the
27 violation resulted in the deaths of 2 or more persons. For
28 any prosecution under this subsection (d), a certified copy
29 of the driving abstract of the defendant shall be admitted
30 as proof of any prior conviction. Any person sentenced
31 under this subsection (d) who receives a term of probation
32 or conditional discharge must serve a minimum term of
33 either 480 hours of community service or 10 days of
34 imprisonment as a condition of the probation or conditional
35 discharge. This mandatory minimum term of imprisonment or
36 assignment of community service may not be suspended or

1 reduced by the court.

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

14 (e-1) Any person who is found guilty of or pleads guilty to
15 violating this Section, including any person receiving a
16 disposition of court supervision for violating this Section,
17 may be required by the Court to attend a victim impact panel
18 offered by, or under contract with, a County State's Attorney's
19 office, a probation and court services department, Mothers
20 Against Drunk Driving, or the Alliance Against Intoxicated
21 Motorists. All costs generated by the victim impact panel shall
22 be paid from fees collected from the offender or as may be
23 determined by the court.

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

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

33 (h) (Blank).

34 (i) The Secretary of State shall require the use of
35 ignition interlock devices on all vehicles owned by an
36 individual who has been convicted of a second or subsequent

1 offense of this Section or a similar provision of a local
2 ordinance. The Secretary shall establish by rule and regulation
3 the procedures for certification and use of the interlock
4 system.

5 (j) In addition to any other penalties and liabilities, a
6 person who is found guilty of or pleads guilty to violating
7 subsection (a), including any person placed on court
8 supervision for violating subsection (a), shall be fined \$500,
9 payable to the circuit clerk, who shall distribute the money as
10 follows: 20% to the law enforcement agency that made the arrest
11 and 80% shall be forwarded to the State Treasurer for deposit
12 into the General Revenue Fund. If the person has been
13 previously convicted of violating subsection (a) or a similar
14 provision of a local ordinance, the fine shall be \$1,000. In
15 the event that more than one agency is responsible for the
16 arrest, the amount payable to law enforcement agencies shall be
17 shared equally. Any moneys received by a law enforcement agency
18 under this subsection (j) shall be used for enforcement and
19 prevention of driving while under the influence of alcohol,
20 other drug or drugs, intoxicating compound or compounds or any
21 combination thereof, as defined by this Section, including but
22 not limited to the ~~to~~ purchase of law enforcement equipment and
23 commodities that will assist in the prevention of alcohol
24 related criminal violence throughout the State; police officer
25 training and education in areas related to alcohol related
26 crime, including but not limited to DUI training; and police
27 officer salaries, including but not limited to salaries for
28 hire back funding for safety checkpoints, saturation patrols,
29 and liquor store sting operations. Equipment and commodities.
30 ~~This~~ shall include, but are ~~is~~ not limited to, in-car video
31 cameras, radar and laser speed detection devices, and alcohol
32 breath testers. Any moneys received by the Department of State
33 Police under this subsection (j) shall be deposited into the
34 State Police DUI Fund and shall be used for enforcement and
35 prevention of driving while under the influence of alcohol,
36 other drug or drugs, intoxicating compound or compounds or any

1 combination thereof, as defined by this Section, including but
2 not limited to the ~~to~~ purchase of law enforcement equipment and
3 commodities that will assist in the prevention of alcohol
4 related criminal violence throughout the State; police officer
5 training and education in areas related to alcohol related
6 crime, including but not limited to DUI training; and police
7 officer salaries, including but not limited to salaries for
8 hire back funding for safety checkpoints, saturation patrols,
9 and liquor store sting operations.

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

26 (l) Whenever an individual is sentenced for an offense
27 based upon an arrest for a violation of subsection (a) or a
28 similar provision of a local ordinance, and the professional
29 evaluation recommends remedial or rehabilitative treatment or
30 education, neither the treatment nor the education shall be the
31 sole disposition and either or both may be imposed only in
32 conjunction with another disposition. The court shall monitor
33 compliance with any remedial education or treatment
34 recommendations contained in the professional evaluation.
35 Programs conducting alcohol or other drug evaluation or
36 remedial education must be licensed by the Department of Human

1 Services. If the individual is not a resident of Illinois,
2 however, the court may accept an alcohol or other drug
3 evaluation or remedial education program in the individual's
4 state of residence. Programs providing treatment must be
5 licensed under existing applicable alcoholism and drug
6 treatment licensure standards.

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

24 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;
25 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;
26 93-840, eff. 7-30-04; 94-114, eff. 1-1-06.)

27 (Text of Section from P.A. 94-116)

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

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

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

1 (2) under the influence of alcohol;

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

5 (4) under the influence of any other drug or
6 combination of drugs to a degree that renders the person
7 incapable of safely driving;

8 (5) under the combined influence of alcohol, other drug
9 or drugs, or intoxicating compound or compounds to a degree
10 that renders the person incapable of safely driving; or

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

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

22 (b-1) With regard to penalties imposed under this Section:

23 (1) Any reference to a prior violation of subsection
24 (a) or a similar provision includes any violation of a
25 provision of a local ordinance or a provision of a law of
26 another state that is similar to a violation of subsection
27 (a) of this Section.

28 (2) Any penalty imposed for driving with a license that
29 has been revoked for a previous violation of subsection (a)
30 of this Section shall be in addition to the penalty imposed
31 for any subsequent violation of subsection (a).

32 (b-2) Except as otherwise provided in this Section, any
33 person convicted of violating subsection (a) of this Section is
34 guilty of a Class A misdemeanor.

35 (b-3) In addition to any other criminal or administrative
36 sanction for any second conviction of violating subsection (a)

1 or a similar provision committed within 5 years of a previous
2 violation of subsection (a) or a similar provision, the
3 defendant shall be sentenced to a mandatory minimum of 5 days
4 of imprisonment or assigned a mandatory minimum of 240 hours of
5 community service as may be determined by the court.

6 (b-4) In the case of a third violation committed within 5
7 years of a previous violation of subsection (a) or a similar
8 provision, the defendant is guilty of a Class 2 felony, and in
9 addition to any other criminal or administrative sanction, a
10 mandatory minimum term of either 10 days of imprisonment or 480
11 hours of community service shall be imposed.

12 (b-5) The imprisonment or assignment of community service
13 under subsections (b-3) and (b-4) shall not be subject to
14 suspension, nor shall the person be eligible for a reduced
15 sentence.

16 (c) (Blank).

17 (c-1) (1) A person who violates subsection (a) during a
18 period in which his or her driving privileges are revoked
19 or suspended, where the revocation or suspension was for a
20 violation of subsection (a), Section 11-501.1, paragraph
21 (b) of Section 11-401, or for reckless homicide as defined
22 in Section 9-3 of the Criminal Code of 1961 is guilty of a
23 Class 4 felony.

24 (2) A person who violates subsection (a) a third time
25 is guilty of a Class 2 felony.

26 (2.1) A person who violates subsection (a) a third
27 time, if the third violation occurs during a period in
28 which his or her driving privileges are revoked or
29 suspended where the revocation or suspension was for a
30 violation of subsection (a), Section 11-501.1, subsection
31 (b) of Section 11-401, or for reckless homicide as defined
32 in Section 9-3 of the Criminal Code of 1961, is guilty of a
33 Class 2 felony; and if the person receives a term of
34 probation or conditional discharge, he or she shall be
35 required to serve a mandatory minimum of 10 days of
36 imprisonment or shall be assigned a mandatory minimum of

1 480 hours of community service, as may be determined by the
2 court, as a condition of the probation or conditional
3 discharge. This mandatory minimum term of imprisonment or
4 assignment of community service shall not be suspended or
5 reduced by the court.

6 (2.2) A person who violates subsection (a), if the
7 violation occurs during a period in which his or her
8 driving privileges are revoked or suspended where the
9 revocation or suspension was for a violation of subsection
10 (a) or Section 11-501.1, shall also be sentenced to an
11 additional mandatory minimum term of 30 consecutive days of
12 imprisonment, 40 days of 24-hour periodic imprisonment, or
13 720 hours of community service, as may be determined by the
14 court. This mandatory term of imprisonment or assignment of
15 community service shall not be suspended or reduced by the
16 court.

17 (3) A person who violates subsection (a) a fourth time
18 is guilty of a Class 2 felony and is not eligible for a
19 sentence of probation or conditional discharge.

20 (4) A person who violates subsection (a) a fifth or
21 subsequent time is guilty of a Class 1 felony and is not
22 eligible for a sentence of probation or conditional
23 discharge.

24 (c-2) (Blank).

25 (c-3) (Blank).

26 (c-4) (Blank).

27 (c-5) A person who violates subsection (a), if the person
28 was transporting a person under the age of 16 at the time of
29 the violation, is subject to an additional mandatory minimum
30 fine of \$1,000, an additional mandatory minimum 140 hours of
31 community service, which shall include 40 hours of community
32 service in a program benefiting children, and an additional 2
33 days of imprisonment. The imprisonment or assignment of
34 community service under this subsection (c-5) is not subject to
35 suspension, nor is the person eligible for a reduced sentence.

36 (c-6) Except as provided in subsections (c-7) and (c-8) a

1 person who violates subsection (a) a second time, if at the
2 time of the second violation the person was transporting a
3 person under the age of 16, is subject to an additional 10 days
4 of imprisonment, an additional mandatory minimum fine of
5 \$1,000, and an additional mandatory minimum 140 hours of
6 community service, which shall include 40 hours of community
7 service in a program benefiting children. The imprisonment or
8 assignment of community service under this subsection (c-6) is
9 not subject to suspension, nor is the person eligible for a
10 reduced sentence.

11 (c-7) Except as provided in subsection (c-8), any person
12 convicted of violating subsection (c-6) or a similar provision
13 within 10 years of a previous violation of subsection (a) or a
14 similar provision shall receive, in addition to any other
15 penalty imposed, a mandatory minimum 12 days imprisonment, an
16 additional 40 hours of mandatory community service in a program
17 benefiting children, and a mandatory minimum fine of \$1,750.
18 The imprisonment or assignment of community service under this
19 subsection (c-7) is not subject to suspension, nor is the
20 person eligible for a reduced sentence.

21 (c-8) Any person convicted of violating subsection (c-6) or
22 a similar provision within 5 years of a previous violation of
23 subsection (a) or a similar provision shall receive, in
24 addition to any other penalty imposed, an additional 80 hours
25 of mandatory community service in a program benefiting
26 children, an additional mandatory minimum 12 days of
27 imprisonment, and a mandatory minimum fine of \$1,750. The
28 imprisonment or assignment of community service under this
29 subsection (c-8) is not subject to suspension, nor is the
30 person eligible for a reduced sentence.

31 (c-9) Any person convicted a third time for violating
32 subsection (a) or a similar provision, if at the time of the
33 third violation the person was transporting a person under the
34 age of 16, is guilty of a Class 2 felony and shall receive, in
35 addition to any other penalty imposed, an additional mandatory
36 fine of \$1,000, an additional mandatory 140 hours of community

1 service, which shall include 40 hours in a program benefiting
2 children, and a mandatory minimum 30 days of imprisonment. The
3 imprisonment or assignment of community service under this
4 subsection (c-9) is not subject to suspension, nor is the
5 person eligible for a reduced sentence.

6 (c-10) Any person convicted of violating subsection (c-9)
7 or a similar provision a third time within 20 years of a
8 previous violation of subsection (a) or a similar provision is
9 guilty of a Class 2 felony and shall receive, in addition to
10 any other penalty imposed, an additional mandatory 40 hours of
11 community service in a program benefiting children, an
12 additional mandatory fine of \$3,000, and a mandatory minimum
13 120 days of imprisonment. The imprisonment or assignment of
14 community service under this subsection (c-10) is not subject
15 to suspension, nor is the person eligible for a reduced
16 sentence.

17 (c-11) Any person convicted a fourth time for violating
18 subsection (a) or a similar provision, if at the time of the
19 fourth violation the person was transporting a person under the
20 age of 16, and if the person's 3 prior violations of subsection
21 (a) or a similar provision occurred while transporting a person
22 under the age of 16 or while the alcohol concentration in his
23 or her blood, breath, or urine was 0.16 or more based on the
24 definition of blood, breath, or urine units in Section
25 11-501.2, is guilty of a Class 2 felony, is not eligible for
26 probation or conditional discharge, and is subject to a minimum
27 fine of \$3,000.

28 (c-12) Any person convicted of a first violation of
29 subsection (a) or a similar provision, if the alcohol
30 concentration in his or her blood, breath, or urine was 0.16 or
31 more based on the definition of blood, breath, or urine units
32 in Section 11-501.2, shall be subject, in addition to any other
33 penalty that may be imposed, to a mandatory minimum of 100
34 hours of community service and a mandatory minimum fine of
35 \$500.

36 (c-13) Any person convicted of a second violation of

1 subsection (a) or a similar provision committed within 10 years
2 of a previous violation of subsection (a) or a similar
3 provision committed within 10 years of a previous violation of
4 subsection (a) or a similar provision, if at the time of the
5 second violation of subsection (a) the alcohol concentration in
6 his or her blood, breath, or urine was 0.16 or more based on
7 the definition of blood, breath, or urine units in Section
8 11-501.2, shall be subject, in addition to any other penalty
9 that may be imposed, to a mandatory minimum of 2 days of
10 imprisonment and a mandatory minimum fine of \$1,250.

11 (c-14) Any person convicted of a third violation of
12 subsection (a) or a similar provision within 20 years of a
13 previous violation of subsection (a) or a similar provision, if
14 at the time of the third violation of subsection (a) or a
15 similar provision the alcohol concentration in his or her
16 blood, breath, or urine was 0.16 or more based on the
17 definition of blood, breath, or urine units in Section
18 11-501.2, is guilty of a Class 2 felony and shall be subject,
19 in addition to any other penalty that may be imposed, to a
20 mandatory minimum of 90 days of imprisonment and a mandatory
21 minimum fine of \$2,500.

22 (c-15) Any person convicted of a fourth violation of
23 subsection (a) or a similar provision, if at the time of the
24 fourth violation the alcohol concentration in his or her blood,
25 breath, or urine was 0.16 or more based on the definition of
26 blood, breath, or urine units in Section 11-501.2, and if the
27 person's 3 prior violations of subsection (a) or a similar
28 provision occurred while transporting a person under the age of
29 16 or while the alcohol concentration in his or her blood,
30 breath, or urine was 0.16 or more based on the definition of
31 blood, breath, or urine units in Section 11-501.2, is guilty of
32 a Class 2 felony and is not eligible for a sentence of
33 probation or conditional discharge and is subject to a minimum
34 fine of \$2,500.

35 (d) (1) Every person convicted of committing a violation of
36 this Section shall be guilty of aggravated driving under

1 the influence of alcohol, other drug or drugs, or
2 intoxicating compound or compounds, or any combination
3 thereof if:

4 (A) the person committed a violation of subsection
5 (a) or a similar provision for the third or subsequent
6 time;

7 (B) the person committed a violation of subsection
8 (a) while driving a school bus with persons 18 years of
9 age or younger on board;

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

15 (D) the person committed a violation of subsection
16 (a) for a second time and has been previously convicted
17 of violating Section 9-3 of the Criminal Code of 1961
18 or a similar provision of a law of another state
19 relating to reckless homicide in which the person was
20 determined to have been under the influence of alcohol,
21 other drug or drugs, or intoxicating compound or
22 compounds as an element of the offense or the person
23 has previously been convicted under subparagraph (C)
24 or subparagraph (F) of this paragraph (1);

25 (E) the person, in committing a violation of
26 subsection (a) while driving at any speed in a school
27 speed zone at a time when a speed limit of 20 miles per
28 hour was in effect under subsection (a) of Section
29 11-605 of this Code, was involved in a motor vehicle
30 accident that resulted in bodily harm, other than great
31 bodily harm or permanent disability or disfigurement,
32 to another person, when the violation of subsection (a)
33 was a proximate cause of the bodily harm; or

34 (F) the person, in committing a violation of
35 subsection (a), was involved in a motor vehicle,
36 snowmobile, all-terrain vehicle, or watercraft

1 accident that resulted in the death of another person,
2 when the violation of subsection (a) was a proximate
3 cause of the death.

4 (2) Except as provided in this paragraph (2) and in
5 paragraphs (3) and (4) of subsection (c-1), a person
6 convicted of aggravated driving under the influence of
7 alcohol, other drug or drugs, or intoxicating compound or
8 compounds, or any combination thereof is guilty of a Class
9 4 felony. For a violation of subparagraph (C) of paragraph
10 (1) of this subsection (d), the defendant, if sentenced to
11 a term of imprisonment, shall be sentenced to not less than
12 one year nor more than 12 years. Except as provided in
13 paragraph (4) of subsection (c-1), aggravated driving
14 under the influence of alcohol, other drug, or drugs,
15 intoxicating compounds or compounds, or any combination
16 thereof as defined in subparagraph (A) of paragraph (1) of
17 this subsection (d) is a Class 2 felony. Aggravated driving
18 under the influence of alcohol, other drug or drugs, or
19 intoxicating compound or compounds, or any combination
20 thereof as defined in subparagraph (F) of paragraph (1) of
21 this subsection (d) is a Class 2 felony, for which the
22 defendant, if sentenced to a term of imprisonment, shall be
23 sentenced to: (A) a term of imprisonment of not less than 3
24 years and not more than 14 years if the violation resulted
25 in the death of one person; or (B) a term of imprisonment
26 of not less than 6 years and not more than 28 years if the
27 violation resulted in the deaths of 2 or more persons. For
28 any prosecution under this subsection (d), a certified copy
29 of the driving abstract of the defendant shall be admitted
30 as proof of any prior conviction. Any person sentenced
31 under this subsection (d) who receives a term of probation
32 or conditional discharge must serve a minimum term of
33 either 480 hours of community service or 10 days of
34 imprisonment as a condition of the probation or conditional
35 discharge. This mandatory minimum term of imprisonment or
36 assignment of community service may not be suspended or

1 reduced by the court.

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

14 (e-1) Any person who is found guilty of or pleads guilty to
15 violating this Section, including any person receiving a
16 disposition of court supervision for violating this Section,
17 may be required by the Court to attend a victim impact panel
18 offered by, or under contract with, a County State's Attorney's
19 office, a probation and court services department, Mothers
20 Against Drunk Driving, or the Alliance Against Intoxicated
21 Motorists. All costs generated by the victim impact panel shall
22 be paid from fees collected from the offender or as may be
23 determined by the court.

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

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

33 (h) (Blank).

34 (i) The Secretary of State shall require the use of
35 ignition interlock devices on all vehicles owned by an
36 individual who has been convicted of a second or subsequent

1 offense of this Section or a similar provision of a local
2 ordinance. The Secretary shall establish by rule and regulation
3 the procedures for certification and use of the interlock
4 system.

5 (j) In addition to any other penalties and liabilities, a
6 person who is found guilty of or pleads guilty to violating
7 subsection (a), including any person placed on court
8 supervision for violating subsection (a), shall be fined \$500,
9 payable to the circuit clerk, who shall distribute the money as
10 follows: 20% to the law enforcement agency that made the arrest
11 and 80% shall be forwarded to the State Treasurer for deposit
12 into the General Revenue Fund. If the person has been
13 previously convicted of violating subsection (a) or a similar
14 provision of a local ordinance, the fine shall be \$1,000. In
15 the event that more than one agency is responsible for the
16 arrest, the amount payable to law enforcement agencies shall be
17 shared equally. Any moneys received by a law enforcement agency
18 under this subsection (j) shall be used for enforcement and
19 prevention of driving while under the influence of alcohol,
20 other drug or drugs, intoxicating compound or compounds or any
21 combination thereof, as defined by this Section, including but
22 not limited to the ~~to~~ purchase of law enforcement equipment and
23 commodities that will assist in the prevention of alcohol
24 related criminal violence throughout the State; police officer
25 training and education in areas related to alcohol related
26 crime, including but not limited to DUI training; and police
27 officer salaries, including but not limited to salaries for
28 hire back funding for safety checkpoints, saturation patrols,
29 and liquor store sting operations. Equipment and commodities.
30 ~~This~~ shall include, but are ~~is~~ not limited to, in-car video
31 cameras, radar and laser speed detection devices, and alcohol
32 breath testers. Any moneys received by the Department of State
33 Police under this subsection (j) shall be deposited into the
34 State Police DUI Fund and shall be used for enforcement and
35 prevention of driving while under the influence of alcohol,
36 other drug or drugs, intoxicating compound or compounds or any

1 combination thereof, as defined by this Section, including but
2 not limited to the ~~to~~ purchase of law enforcement equipment and
3 commodities that will assist in the prevention of alcohol
4 related criminal violence throughout the State; police officer
5 training and education in areas related to alcohol related
6 crime, including but not limited to DUI training; and police
7 officer salaries, including but not limited to salaries for
8 hire back funding for safety checkpoints, saturation patrols,
9 and liquor store sting operations.

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

26 (l) Whenever an individual is sentenced for an offense
27 based upon an arrest for a violation of subsection (a) or a
28 similar provision of a local ordinance, and the professional
29 evaluation recommends remedial or rehabilitative treatment or
30 education, neither the treatment nor the education shall be the
31 sole disposition and either or both may be imposed only in
32 conjunction with another disposition. The court shall monitor
33 compliance with any remedial education or treatment
34 recommendations contained in the professional evaluation.
35 Programs conducting alcohol or other drug evaluation or
36 remedial education must be licensed by the Department of Human

1 Services. If the individual is not a resident of Illinois,
2 however, the court may accept an alcohol or other drug
3 evaluation or remedial education program in the individual's
4 state of residence. Programs providing treatment must be
5 licensed under existing applicable alcoholism and drug
6 treatment licensure standards.

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

24 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;
25 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;
26 93-840, eff. 7-30-04; 94-116, eff. 1-1-06.)

27 (Text of Section from P.A. 94-329)

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

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

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

1 (2) under the influence of alcohol;

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

5 (4) under the influence of any other drug or
6 combination of drugs to a degree that renders the person
7 incapable of safely driving;

8 (5) under the combined influence of alcohol, other drug
9 or drugs, or intoxicating compound or compounds to a degree
10 that renders the person incapable of safely driving; or

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

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

22 (b-1) With regard to penalties imposed under this Section:

23 (1) Any reference to a prior violation of subsection
24 (a) or a similar provision includes any violation of a
25 provision of a local ordinance or a provision of a law of
26 another state that is similar to a violation of subsection
27 (a) of this Section.

28 (2) Any penalty imposed for driving with a license that
29 has been revoked for a previous violation of subsection (a)
30 of this Section shall be in addition to the penalty imposed
31 for any subsequent violation of subsection (a).

32 (b-2) Except as otherwise provided in this Section, any
33 person convicted of violating subsection (a) of this Section is
34 guilty of a Class A misdemeanor.

35 (b-3) In addition to any other criminal or administrative
36 sanction for any second conviction of violating subsection (a)

1 or a similar provision committed within 5 years of a previous
2 violation of subsection (a) or a similar provision, the
3 defendant shall be sentenced to a mandatory minimum of 5 days
4 of imprisonment or assigned a mandatory minimum of 240 hours of
5 community service as may be determined by the court.

6 (b-4) In the case of a third or subsequent violation
7 committed within 5 years of a previous violation of subsection
8 (a) or a similar provision, in addition to any other criminal
9 or administrative sanction, a mandatory minimum term of either
10 10 days of imprisonment or 480 hours of community service shall
11 be imposed.

12 (b-5) The imprisonment or assignment of community service
13 under subsections (b-3) and (b-4) shall not be subject to
14 suspension, nor shall the person be eligible for a reduced
15 sentence.

16 (c) (Blank).

17 (c-1) (1) A person who violates subsection (a) during a
18 period in which his or her driving privileges are revoked
19 or suspended, where the revocation or suspension was for a
20 violation of subsection (a), Section 11-501.1, paragraph
21 (b) of Section 11-401, or for reckless homicide as defined
22 in Section 9-3 of the Criminal Code of 1961 is guilty of
23 aggravated driving under the influence of alcohol, other
24 drug or drugs, intoxicating compound or compounds, or any
25 combination thereof and is guilty of a Class 4 felony.

26 (2) A person who violates subsection (a) a third time,
27 if the third violation occurs during a period in which his
28 or her driving privileges are revoked or suspended where
29 the revocation or suspension was for a violation of
30 subsection (a), Section 11-501.1, paragraph (b) of Section
31 11-401, or for reckless homicide as defined in Section 9-3
32 of the Criminal Code of 1961, is guilty of aggravated
33 driving under the influence of alcohol, other drug or
34 drugs, intoxicating compound or compounds, or any
35 combination thereof and is guilty of a Class 3 felony.

36 (2.1) A person who violates subsection (a) a third

1 time, if the third violation occurs during a period in
2 which his or her driving privileges are revoked or
3 suspended where the revocation or suspension was for a
4 violation of subsection (a), Section 11-501.1, subsection
5 (b) of Section 11-401, or for reckless homicide as defined
6 in Section 9-3 of the Criminal Code of 1961, is guilty of
7 aggravated driving under the influence of alcohol, other
8 drug or drugs, intoxicating compound or compounds, or any
9 combination thereof and is guilty of a Class 3 felony; and
10 if the person receives a term of probation or conditional
11 discharge, he or she shall be required to serve a mandatory
12 minimum of 10 days of imprisonment or shall be assigned a
13 mandatory minimum of 480 hours of community service, as may
14 be determined by the court, as a condition of the probation
15 or conditional discharge. This mandatory minimum term of
16 imprisonment or assignment of community service shall not
17 be suspended or reduced by the court.

18 (2.2) A person who violates subsection (a), if the
19 violation occurs during a period in which his or her
20 driving privileges are revoked or suspended where the
21 revocation or suspension was for a violation of subsection
22 (a) or Section 11-501.1, is guilty of aggravated driving
23 under the influence of alcohol, other drug or drugs,
24 intoxicating compound or compounds, or any combination
25 thereof and shall also be sentenced to an additional
26 mandatory minimum term of 30 consecutive days of
27 imprisonment, 40 days of 24-hour periodic imprisonment, or
28 720 hours of community service, as may be determined by the
29 court. This mandatory term of imprisonment or assignment of
30 community service shall not be suspended or reduced by the
31 court.

32 (3) A person who violates subsection (a) a fourth or
33 subsequent time, if the fourth or subsequent violation
34 occurs during a period in which his or her driving
35 privileges are revoked or suspended where the revocation or
36 suspension was for a violation of subsection (a), Section

1 11-501.1, paragraph (b) of Section 11-401, or for reckless
2 homicide as defined in Section 9-3 of the Criminal Code of
3 1961, is guilty of aggravated driving under the influence
4 of alcohol, other drug or drugs, intoxicating compound or
5 compounds, or any combination thereof and is guilty of a
6 Class 2 felony, and is not eligible for a sentence of
7 probation or conditional discharge.

8 (c-2) (Blank).

9 (c-3) (Blank).

10 (c-4) (Blank).

11 (c-5) A person who violates subsection (a), if the person
12 was transporting a person under the age of 16 at the time of
13 the violation, is subject to an additional mandatory minimum
14 fine of \$1,000, an additional mandatory minimum 140 hours of
15 community service, which shall include 40 hours of community
16 service in a program benefiting children, and an additional 2
17 days of imprisonment. The imprisonment or assignment of
18 community service under this subsection (c-5) is not subject to
19 suspension, nor is the person eligible for a reduced sentence.

20 (c-6) Except as provided in subsections (c-7) and (c-8) a
21 person who violates subsection (a) a second time, if at the
22 time of the second violation the person was transporting a
23 person under the age of 16, is subject to an additional 10 days
24 of imprisonment, an additional mandatory minimum fine of
25 \$1,000, and an additional mandatory minimum 140 hours of
26 community service, which shall include 40 hours of community
27 service in a program benefiting children. The imprisonment or
28 assignment of community service under this subsection (c-6) is
29 not subject to suspension, nor is the person eligible for a
30 reduced sentence.

31 (c-7) Except as provided in subsection (c-8), any person
32 convicted of violating subsection (c-6) or a similar provision
33 within 10 years of a previous violation of subsection (a) or a
34 similar provision shall receive, in addition to any other
35 penalty imposed, a mandatory minimum 12 days imprisonment, an
36 additional 40 hours of mandatory community service in a program

1 benefiting children, and a mandatory minimum fine of \$1,750.
2 The imprisonment or assignment of community service under this
3 subsection (c-7) is not subject to suspension, nor is the
4 person eligible for a reduced sentence.

5 (c-8) Any person convicted of violating subsection (c-6) or
6 a similar provision within 5 years of a previous violation of
7 subsection (a) or a similar provision shall receive, in
8 addition to any other penalty imposed, an additional 80 hours
9 of mandatory community service in a program benefiting
10 children, an additional mandatory minimum 12 days of
11 imprisonment, and a mandatory minimum fine of \$1,750. The
12 imprisonment or assignment of community service under this
13 subsection (c-8) is not subject to suspension, nor is the
14 person eligible for a reduced sentence.

15 (c-9) Any person convicted a third time for violating
16 subsection (a) or a similar provision, if at the time of the
17 third violation the person was transporting a person under the
18 age of 16, is guilty of a Class 4 felony and shall receive, in
19 addition to any other penalty imposed, an additional mandatory
20 fine of \$1,000, an additional mandatory 140 hours of community
21 service, which shall include 40 hours in a program benefiting
22 children, and a mandatory minimum 30 days of imprisonment. The
23 imprisonment or assignment of community service under this
24 subsection (c-9) is not subject to suspension, nor is the
25 person eligible for a reduced sentence.

26 (c-10) Any person convicted of violating subsection (c-9)
27 or a similar provision a third time within 20 years of a
28 previous violation of subsection (a) or a similar provision is
29 guilty of a Class 4 felony and shall receive, in addition to
30 any other penalty imposed, an additional mandatory 40 hours of
31 community service in a program benefiting children, an
32 additional mandatory fine of \$3,000, and a mandatory minimum
33 120 days of imprisonment. The imprisonment or assignment of
34 community service under this subsection (c-10) is not subject
35 to suspension, nor is the person eligible for a reduced
36 sentence.

1 (c-11) Any person convicted a fourth or subsequent time for
2 violating subsection (a) or a similar provision, if at the time
3 of the fourth or subsequent violation the person was
4 transporting a person under the age of 16, and if the person's
5 3 prior violations of subsection (a) or a similar provision
6 occurred while transporting a person under the age of 16 or
7 while the alcohol concentration in his or her blood, breath, or
8 urine was 0.16 or more based on the definition of blood,
9 breath, or urine units in Section 11-501.2, is guilty of a
10 Class 2 felony, is not eligible for probation or conditional
11 discharge, and is subject to a minimum fine of \$3,000.

12 (c-12) Any person convicted of a first violation of
13 subsection (a) or a similar provision, if the alcohol
14 concentration in his or her blood, breath, or urine was 0.16 or
15 more based on the definition of blood, breath, or urine units
16 in Section 11-501.2, shall be subject, in addition to any other
17 penalty that may be imposed, to a mandatory minimum of 100
18 hours of community service and a mandatory minimum fine of
19 \$500.

20 (c-13) Any person convicted of a second violation of
21 subsection (a) or a similar provision committed within 10 years
22 of a previous violation of subsection (a) or a similar
23 provision committed within 10 years of a previous violation of
24 subsection (a) or a similar provision, if at the time of the
25 second violation of subsection (a) the alcohol concentration in
26 his or her blood, breath, or urine was 0.16 or more based on
27 the definition of blood, breath, or urine units in Section
28 11-501.2, shall be subject, in addition to any other penalty
29 that may be imposed, to a mandatory minimum of 2 days of
30 imprisonment and a mandatory minimum fine of \$1,250.

31 (c-14) Any person convicted of a third violation of
32 subsection (a) or a similar provision within 20 years of a
33 previous violation of subsection (a) or a similar provision, if
34 at the time of the third violation of subsection (a) or a
35 similar provision the alcohol concentration in his or her
36 blood, breath, or urine was 0.16 or more based on the

1 definition of blood, breath, or urine units in Section
2 11-501.2, is guilty of a Class 4 felony and shall be subject,
3 in addition to any other penalty that may be imposed, to a
4 mandatory minimum of 90 days of imprisonment and a mandatory
5 minimum fine of \$2,500.

6 (c-15) Any person convicted of a fourth or subsequent
7 violation of subsection (a) or a similar provision, if at the
8 time of the fourth or subsequent violation the alcohol
9 concentration in his or her blood, breath, or urine was 0.16 or
10 more based on the definition of blood, breath, or urine units
11 in Section 11-501.2, and if the person's 3 prior violations of
12 subsection (a) or a similar provision occurred while
13 transporting a person under the age of 16 or while the alcohol
14 concentration in his or her blood, breath, or urine was 0.16 or
15 more based on the definition of blood, breath, or urine units
16 in Section 11-501.2, is guilty of a Class 2 felony and is not
17 eligible for a sentence of probation or conditional discharge
18 and is subject to a minimum fine of \$2,500.

19 (d) (1) Every person convicted of committing a violation of
20 this Section shall be guilty of aggravated driving under
21 the influence of alcohol, other drug or drugs, or
22 intoxicating compound or compounds, or any combination
23 thereof if:

24 (A) the person committed a violation of subsection
25 (a) or a similar provision for the third or subsequent
26 time;

27 (B) the person committed a violation of subsection
28 (a) while driving a school bus with persons 18 years of
29 age or younger on board;

30 (C) the person in committing a violation of
31 subsection (a) was involved in a motor vehicle accident
32 that resulted in great bodily harm or permanent
33 disability or disfigurement to another, when the
34 violation was a proximate cause of the injuries;

35 (D) the person committed a violation of subsection
36 (a) for a second time and has been previously convicted

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

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

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

24 (G) the person committed the violation while he or
25 she did not possess a driver's license or permit or a
26 restricted driving permit or a judicial driving
27 permit; or

28 (H) the person committed the violation while he or
29 she knew or should have known that the vehicle he or
30 she was driving was not covered by a liability
31 insurance policy.

32 (2) Except as provided in this paragraph (2) and in
33 paragraphs (2), (2.1), and (3) of subsection (c-1), a
34 person convicted of aggravated driving under the influence
35 of alcohol, other drug or drugs, or intoxicating compound
36 or compounds, or any combination thereof is guilty of a

1 Class 4 felony. For a violation of subparagraph (C) of
2 paragraph (1) of this subsection (d), the defendant, if
3 sentenced to a term of imprisonment, shall be sentenced to
4 not less than one year nor more than 12 years. Aggravated
5 driving under the influence of alcohol, other drug or
6 drugs, or intoxicating compound or compounds, or any
7 combination thereof as defined in subparagraph (F) of
8 paragraph (1) of this subsection (d) is a Class 2 felony,
9 for which the defendant, if sentenced to a term of
10 imprisonment, shall be sentenced to: (A) a term of
11 imprisonment of not less than 3 years and not more than 14
12 years if the violation resulted in the death of one person;
13 or (B) a term of imprisonment of not less than 6 years and
14 not more than 28 years if the violation resulted in the
15 deaths of 2 or more persons. For any prosecution under this
16 subsection (d), a certified copy of the driving abstract of
17 the defendant shall be admitted as proof of any prior
18 conviction. Any person sentenced under this subsection (d)
19 who receives a term of probation or conditional discharge
20 must serve a minimum term of either 480 hours of community
21 service or 10 days of imprisonment as a condition of the
22 probation or conditional discharge. This mandatory minimum
23 term of imprisonment or assignment of community service may
24 not be suspended or reduced by the court.

25 (e) After a finding of guilt and prior to any final
26 sentencing, or an order for supervision, for an offense based
27 upon an arrest for a violation of this Section or a similar
28 provision of a local ordinance, individuals shall be required
29 to undergo a professional evaluation to determine if an
30 alcohol, drug, or intoxicating compound abuse problem exists
31 and the extent of the problem, and undergo the imposition of
32 treatment as appropriate. Programs conducting these
33 evaluations shall be licensed by the Department of Human
34 Services. The cost of any professional evaluation shall be paid
35 for by the individual required to undergo the professional
36 evaluation.

1 (e-1) Any person who is found guilty of or pleads guilty to
2 violating this Section, including any person receiving a
3 disposition of court supervision for violating this Section,
4 may be required by the Court to attend a victim impact panel
5 offered by, or under contract with, a County State's Attorney's
6 office, a probation and court services department, Mothers
7 Against Drunk Driving, or the Alliance Against Intoxicated
8 Motorists. All costs generated by the victim impact panel shall
9 be paid from fees collected from the offender or as may be
10 determined by the court.

11 (f) Every person found guilty of violating this Section,
12 whose operation of a motor vehicle while in violation of this
13 Section proximately caused any incident resulting in an
14 appropriate emergency response, shall be liable for the expense
15 of an emergency response as provided under Section 5-5-3 of the
16 Unified Code of Corrections.

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

20 (h) (Blank).

21 (i) The Secretary of State shall require the use of
22 ignition interlock devices on all vehicles owned by an
23 individual who has been convicted of a second or subsequent
24 offense of this Section or a similar provision of a local
25 ordinance. The Secretary shall establish by rule and regulation
26 the procedures for certification and use of the interlock
27 system.

28 (j) In addition to any other penalties and liabilities, a
29 person who is found guilty of or pleads guilty to violating
30 subsection (a), including any person placed on court
31 supervision for violating subsection (a), shall be fined \$500,
32 payable to the circuit clerk, who shall distribute the money as
33 follows: 20% to the law enforcement agency that made the arrest
34 and 80% shall be forwarded to the State Treasurer for deposit
35 into the General Revenue Fund. If the person has been
36 previously convicted of violating subsection (a) or a similar

1 provision of a local ordinance, the fine shall be \$1,000. In
2 the event that more than one agency is responsible for the
3 arrest, the amount payable to law enforcement agencies shall be
4 shared equally. Any moneys received by a law enforcement agency
5 under this subsection (j) shall be used for enforcement and
6 prevention of driving while under the influence of alcohol,
7 other drug or drugs, intoxicating compound or compounds or any
8 combination thereof, as defined by this Section, including but
9 not limited to the ~~to~~ purchase of law enforcement equipment and
10 commodities that will assist in the prevention of alcohol
11 related criminal violence throughout the State; police officer
12 training and education in areas related to alcohol related
13 crime, including but not limited to DUI training; and police
14 officer salaries, including but not limited to salaries for
15 hire back funding for safety checkpoints, saturation patrols,
16 and liquor store sting operations. Equipment and commodities.
17 ~~This~~ shall include, but are ~~is~~ not limited to, in-car video
18 cameras, radar and laser speed detection devices, and alcohol
19 breath testers. Any moneys received by the Department of State
20 Police under this subsection (j) shall be deposited into the
21 State Police DUI Fund and shall be used for enforcement and
22 prevention of driving while under the influence of alcohol,
23 other drug or drugs, intoxicating compound or compounds or any
24 combination thereof, as defined by this Section, including but
25 not limited to the ~~to~~ purchase of law enforcement equipment and
26 commodities that will assist in the prevention of alcohol
27 related criminal violence throughout the State; police officer
28 training and education in areas related to alcohol related
29 crime, including but not limited to DUI training; and police
30 officer salaries, including but not limited to salaries for
31 hire back funding for safety checkpoints, saturation patrols,
32 and liquor store sting operations.

33 (k) The Secretary of State Police DUI Fund is created as a
34 special fund in the State treasury. All moneys received by the
35 Secretary of State Police under subsection (j) of this Section
36 shall be deposited into the Secretary of State Police DUI Fund

1 and, subject to appropriation, shall be used for enforcement
2 and prevention of driving while under the influence of alcohol,
3 other drug or drugs, intoxicating compound or compounds or any
4 combination thereof, as defined by this Section, including but
5 not limited to the ~~to~~ purchase of law enforcement equipment and
6 commodities to assist in the prevention of alcohol related
7 criminal violence throughout the State; police officer
8 training and education in areas related to alcohol related
9 crime, including but not limited to DUI training; and police
10 officer salaries, including but not limited to salaries for
11 hire back funding for safety checkpoints, saturation patrols,
12 and liquor store sting operations.

13 (l) Whenever an individual is sentenced for an offense
14 based upon an arrest for a violation of subsection (a) or a
15 similar provision of a local ordinance, and the professional
16 evaluation recommends remedial or rehabilitative treatment or
17 education, neither the treatment nor the education shall be the
18 sole disposition and either or both may be imposed only in
19 conjunction with another disposition. The court shall monitor
20 compliance with any remedial education or treatment
21 recommendations contained in the professional evaluation.
22 Programs conducting alcohol or other drug evaluation or
23 remedial education must be licensed by the Department of Human
24 Services. If the individual is not a resident of Illinois,
25 however, the court may accept an alcohol or other drug
26 evaluation or remedial education program in the individual's
27 state of residence. Programs providing treatment must be
28 licensed under existing applicable alcoholism and drug
29 treatment licensure standards.

30 (m) In addition to any other fine or penalty required by
31 law, an individual convicted of a violation of subsection (a),
32 Section 5-7 of the Snowmobile Registration and Safety Act,
33 Section 5-16 of the Boat Registration and Safety Act, or a
34 similar provision, whose operation of a motor vehicle,
35 snowmobile, or watercraft while in violation of subsection (a),
36 Section 5-7 of the Snowmobile Registration and Safety Act,

1 Section 5-16 of the Boat Registration and Safety Act, or a
2 similar provision proximately caused an incident resulting in
3 an appropriate emergency response, shall be required to make
4 restitution to a public agency for the costs of that emergency
5 response. The restitution may not exceed \$1,000 per public
6 agency for each emergency response. As used in this subsection
7 (m), "emergency response" means any incident requiring a
8 response by a police officer, a firefighter carried on the
9 rolls of a regularly constituted fire department, or an
10 ambulance.

11 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;
12 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;
13 93-840, eff. 7-30-04; 94-329, eff. 1-1-06.)

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