



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB1785

Introduced 2/23/2007, by Rep. Roger L. Eddy

SYNOPSIS AS INTRODUCED:

625 ILCS 5/1-197.5	from Ch. 95 1/2, par. 1-203.1
625 ILCS 5/2-118.1	from Ch. 95 1/2, par. 2-118.1
625 ILCS 5/6-206	from Ch. 95 1/2, par. 6-206
625 ILCS 5/6-208.1	from Ch. 95 1/2, par. 6-208.1
625 ILCS 5/6-517	from Ch. 95 1/2, par. 6-517
625 ILCS 5/6-520	from Ch. 95 1/2, par. 6-520
625 ILCS 5/11-500	from Ch. 95 1/2, par. 11-500
625 ILCS 5/11-501	from Ch. 95 1/2, par. 11-501
625 ILCS 5/11-501.1	from Ch. 95 1/2, par. 11-501.1
625 ILCS 5/11-501.2	from Ch. 95 1/2, par. 11-501.2
625 ILCS 5/11-501.6	from Ch. 95 1/2, par. 11-501.6

Amends the Illinois Vehicle Code. Provides that, if a driver of a motor vehicle has committed a previous offense of driving under the influence of alcohol, drugs, or intoxicating compounds, he or she is in violation of the DUI provision if his or her blood alcohol concentration is 0.06 (rather than 0.08) or higher. Provides that if a person has 2 previous DUI violations, he or she commits the offense if his or her blood alcohol concentration is 0.05 or higher. Provides that the legal blood alcohol concentration for a person with 3 or more DUI violations is under 0.04.

LRB095 06862 DRH 26980 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

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 Sections 1-197.5, 2-118.1, 6-206, 6-208.1, 6-517, 6-520,
6 11-500, 11-501, 11-501.1, 11-501.2, and 11-501.6 as follows:

7 (625 ILCS 5/1-197.5) (from Ch. 95 1/2, par. 1-203.1)

8 Sec. 1-197.5. Statutory summary alcohol or other drug
9 related suspension of driver's privileges. The withdrawal by
10 the circuit court of a person's license or privilege to operate
11 a motor vehicle on the public highways for the periods provided
12 in Section 6-208.1. Reinstatement after the suspension period
13 shall occur after all appropriate fees have been paid, unless
14 the court notifies the Secretary of State that the person
15 should be disqualified. The bases for this withdrawal of
16 driving privileges shall be the individual's refusal to submit
17 to or failure to complete a chemical test or tests following an
18 arrest for the offense of driving under the influence of
19 alcohol, other drugs, or intoxicating compounds, or any
20 combination thereof, or submission to such a test or tests
21 indicating an alcohol concentration of 0.08 or more, or an
22 alcohol concentration of 0.06 or more if the person was
23 previously once convicted of violating Section 11-501 of this

1 Code or a similar provision of a local ordinance or a similar
2 provision of a law of another state, or an alcohol
3 concentration of 0.05 or more if the person was previously
4 twice convicted of violating Section 11-501 of this Code or a
5 similar provision of a local ordinance or a similar provision
6 of a law of another state, or an alcohol concentration of 0.04
7 or more if the person was previously 3 or more times convicted
8 of violating Section 11-501 of this Code or a similar provision
9 of a local ordinance or a similar provision of a law of another
10 state, as provided in Section 11-501.1 of this Code.

11 (Source: P.A. 92-834, eff. 8-22-02.)

12 (625 ILCS 5/2-118.1) (from Ch. 95 1/2, par. 2-118.1)

13 Sec. 2-118.1. Opportunity for hearing; statutory summary
14 alcohol or other drug related suspension.

15 (a) A statutory summary suspension of driving privileges
16 under Section 11-501.1 shall not become effective until the
17 person is notified in writing of the impending suspension and
18 informed that he may request a hearing in the circuit court of
19 venue under paragraph (b) of this Section and the statutory
20 summary suspension shall become effective as provided in
21 Section 11-501.1.

22 (b) Within 90 days after the notice of statutory summary
23 suspension served under Section 11-501.1, the person may make a
24 written request for a judicial hearing in the circuit court of
25 venue. The request to the circuit court shall state the grounds

1 upon which the person seeks to have the statutory summary
2 suspension rescinded. Within 30 days after receipt of the
3 written request or the first appearance date on the Uniform
4 Traffic Ticket issued pursuant to a violation of Section
5 11-501, or a similar provision of a local ordinance, the
6 hearing shall be conducted by the circuit court having
7 jurisdiction. This judicial hearing, request, or process shall
8 not stay or delay the statutory summary suspension. The
9 hearings shall proceed in the court in the same manner as in
10 other civil proceedings.

11 The hearing may be conducted upon a review of the law
12 enforcement officer's own official reports; provided however,
13 that the person may subpoena the officer. Failure of the
14 officer to answer the subpoena shall be considered grounds for
15 a continuance if in the court's discretion the continuance is
16 appropriate.

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

18 1. Whether the person was placed under arrest for an
19 offense as defined in Section 11-501, or a similar
20 provision of a local ordinance, as evidenced by the
21 issuance of a Uniform Traffic Ticket, or issued a Uniform
22 Traffic Ticket out of state as provided in subsection (a)
23 of Section 11-501.1; and

24 2. Whether the officer had reasonable grounds to
25 believe that the person was driving or in actual physical
26 control of a motor vehicle upon a highway while under the

1 influence of alcohol, other drug, or combination of both;
2 and

3 3. Whether the person, after being advised by the
4 officer that the privilege to operate a motor vehicle would
5 be suspended if the person refused to submit to and
6 complete the test or tests, did refuse to submit to or
7 complete the test or tests to determine the person's
8 alcohol or drug concentration; or

9 4. Whether the person, after being advised by the
10 officer that the privilege to operate a motor vehicle would
11 be suspended if the person submits to a chemical test, or
12 tests, and the test discloses an alcohol concentration of
13 0.08 or more, or an alcohol concentration of 0.06 or more
14 if the person was previously once convicted of violating
15 Section 11-501 of this Code or a similar provision of a
16 local ordinance or a similar provision of a law of another
17 state, or an alcohol concentration of 0.05 or more if the
18 person was previously twice convicted of violating Section
19 11-501 of this Code or a similar provision of a local
20 ordinance or a similar provision of a law of another state,
21 or an alcohol concentration of 0.04 or more if the person
22 was previously 3 or more times convicted of violating
23 Section 11-501 of this Code or a similar provision of a
24 local ordinance or a similar provision of a law of another
25 state, or any amount of a drug, substance, or compound in
26 the person's blood or urine resulting from the unlawful use

1 or consumption of cannabis listed in the Cannabis Control
2 Act, a controlled substance listed in the Illinois
3 Controlled Substances Act, or an intoxicating compound as
4 listed in the Use of Intoxicating Compounds Act, and the
5 person did submit to and complete the test or tests that
6 determined an alcohol concentration of 0.08 or more, or an
7 alcohol concentration of 0.06 or more if the person was
8 previously once convicted of violating Section 11-501 of
9 this Code or a similar provision of a local ordinance or a
10 similar provision of a law of another state, or an alcohol
11 concentration of 0.05 or more if the person was previously
12 twice convicted of violating Section 11-501 of this Code or
13 a similar provision of a local ordinance or a similar
14 provision of a law of another state, or an alcohol
15 concentration of 0.04 or more if the person was previously
16 3 or more times convicted of violating Section 11-501 of
17 this Code or a similar provision of a local ordinance or a
18 similar provision of a law of another state.

19 Upon the conclusion of the judicial hearing, the circuit
20 court shall sustain or rescind the statutory summary suspension
21 and immediately notify the Secretary of State. Reports received
22 by the Secretary of State under this Section shall be
23 privileged information and for use only by the courts, police
24 officers, and Secretary of State.

25 (Source: P.A. 92-458, eff. 8-22-01.)

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

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

4 (a) The Secretary of State is authorized to suspend or
5 revoke the driving privileges of any person without preliminary
6 hearing upon a showing of the person's records or other
7 sufficient evidence that the person:

8 1. Has committed an offense for which mandatory
9 revocation of a driver's license or permit is required upon
10 conviction;

11 2. Has been convicted of not less than 3 offenses
12 against traffic regulations governing the movement of
13 vehicles committed within any 12 month period. No
14 revocation or suspension shall be entered more than 6
15 months after the date of last conviction;

16 3. Has been repeatedly involved as a driver in motor
17 vehicle collisions or has been repeatedly convicted of
18 offenses against laws and ordinances regulating the
19 movement of traffic, to a degree that indicates lack of
20 ability to exercise ordinary and reasonable care in the
21 safe operation of a motor vehicle or disrespect for the
22 traffic laws and the safety of other persons upon the
23 highway;

24 4. Has by the unlawful operation of a motor vehicle
25 caused or contributed to an accident resulting in death or
26 injury requiring immediate professional treatment in a

1 medical facility or doctor's office to any person, except
2 that any suspension or revocation imposed by the Secretary
3 of State under the provisions of this subsection shall
4 start no later than 6 months after being convicted of
5 violating a law or ordinance regulating the movement of
6 traffic, which violation is related to the accident, or
7 shall start not more than one year after the date of the
8 accident, whichever date occurs later;

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

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

15 7. Has refused or failed to submit to an examination
16 provided for by Section 6-207 or has failed to pass the
17 examination;

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

20 9. Has made a false statement or knowingly concealed a
21 material fact or has used false information or
22 identification in any application for a license,
23 identification card, or permit;

24 10. Has possessed, displayed, or attempted to
25 fraudulently use any license, identification card, or
26 permit not issued to the person;

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

7 12. Has submitted to any portion of the application
8 process for another person or has obtained the services of
9 another person to submit to any portion of the application
10 process for the purpose of obtaining a license,
11 identification card, or permit for some other person;

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

15 14. Has committed a violation of Section 6-301,
16 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B
17 of the Illinois Identification Card Act;

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

22 16. Has been convicted of violating Section 11-204 of
23 this Code relating to fleeing from a peace officer;

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

1 11-501.1;

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

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

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

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

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

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

23 24. Has been convicted by a court-martial or punished
24 by non-judicial punishment by military authorities of the
25 United States at a military installation in Illinois of or
26 for a traffic related offense that is the same as or

1 similar to an offense specified under Section 6-205 or
2 6-206 of this Code;

3 25. Has permitted any form of identification to be used
4 by another in the application process in order to obtain or
5 attempt to obtain a license, identification card, or
6 permit;

7 26. Has altered or attempted to alter a license or has
8 possessed an altered license, identification card, or
9 permit;

10 27. Has violated Section 6-16 of the Liquor Control Act
11 of 1934;

12 28. Has been convicted of the illegal possession, while
13 operating or in actual physical control, as a driver, of a
14 motor vehicle, of any controlled substance prohibited
15 under the Illinois Controlled Substances Act, any cannabis
16 prohibited under the Cannabis Control Act, or any
17 methamphetamine prohibited under the Methamphetamine
18 Control and Community Protection Act, in which case the
19 person's driving privileges shall be suspended for one
20 year, and any driver who is convicted of a second or
21 subsequent offense, within 5 years of a previous
22 conviction, for the illegal possession, while operating or
23 in actual physical control, as a driver, of a motor
24 vehicle, of any controlled substance prohibited under the
25 Illinois Controlled Substances Act, any cannabis
26 prohibited under the Cannabis Control Act, or any

1 methamphetamine prohibited under the Methamphetamine
2 Control and Community Protection Act shall be suspended for
3 5 years. Any defendant found guilty of this offense while
4 operating a motor vehicle, shall have an entry made in the
5 court record by the presiding judge that this offense did
6 occur while the defendant was operating a motor vehicle and
7 order the clerk of the court to report the violation to the
8 Secretary of State;

9 29. Has been convicted of the following offenses that
10 were committed while the person was operating or in actual
11 physical control, as a driver, of a motor vehicle: criminal
12 sexual assault, predatory criminal sexual assault of a
13 child, aggravated criminal sexual assault, criminal sexual
14 abuse, aggravated criminal sexual abuse, juvenile pimping,
15 soliciting for a juvenile prostitute and the manufacture,
16 sale or delivery of controlled substances or instruments
17 used for illegal drug use or abuse in which case the
18 driver's driving privileges shall be suspended for one
19 year;

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

24 31. Has refused to submit to a test as required by
25 Section 11-501.6 or has submitted to a test resulting in an
26 alcohol concentration of 0.08 or more, or an alcohol

1 concentration of 0.06 or more if the person was previously
2 once convicted of violating Section 11-501 of this Code or
3 a similar provision of a local ordinance or a similar
4 provision of a law of another state, or an alcohol
5 concentration of 0.05 or more if the person was previously
6 twice convicted of violating Section 11-501 of this Code or
7 a similar provision of a local ordinance or a similar
8 provision of a law of another state, or an alcohol
9 concentration of 0.04 or more if the person was previously
10 3 or more times convicted of violating Section 11-501 of
11 this Code or a similar provision of a local ordinance or a
12 similar provision of a law of another state, or any amount
13 of a drug, substance, or compound resulting from the
14 unlawful use or consumption of cannabis as listed in the
15 Cannabis Control Act, a controlled substance as listed in
16 the Illinois Controlled Substances Act, or an intoxicating
17 compound as listed in the Use of Intoxicating Compounds
18 Act, in which case the penalty shall be as prescribed in
19 Section 6-208.1;

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

25 33. Has as a driver, who was less than 21 years of age
26 on the date of the offense, been convicted a first time of

1 a violation of paragraph (a) of Section 11-502 of this Code
2 or a similar provision of a local ordinance;

3 34. Has committed a violation of Section 11-1301.5 of
4 this Code;

5 35. Has committed a violation of Section 11-1301.6 of
6 this Code;

7 36. Is under the age of 21 years at the time of arrest
8 and has been convicted of not less than 2 offenses against
9 traffic regulations governing the movement of vehicles
10 committed within any 24 month period. No revocation or
11 suspension shall be entered more than 6 months after the
12 date of last conviction;

13 37. Has committed a violation of subsection (c) of
14 Section 11-907 of this Code;

15 38. Has been convicted of a violation of Section 6-20
16 of the Liquor Control Act of 1934 or a similar provision of
17 a local ordinance;

18 39. Has committed a second or subsequent violation of
19 Section 11-1201 of this Code;

20 40. Has committed a violation of subsection (a-1) of
21 Section 11-908 of this Code;

22 41. Has committed a second or subsequent violation of
23 Section 11-605.1 of this Code within 2 years of the date of
24 the previous violation, in which case the suspension shall
25 be for 90 days; or

26 42. Has committed a violation of subsection (a-1) of

1 Section 11-1301.3 of this Code.

2 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,
3 and 27 of this subsection, license means any driver's license,
4 any traffic ticket issued when the person's driver's license is
5 deposited in lieu of bail, a suspension notice issued by the
6 Secretary of State, a duplicate or corrected driver's license,
7 a probationary driver's license or a temporary driver's
8 license.

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

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

24 2. If the Secretary of State suspends the driver's
25 license of a person under subsection 2 of paragraph (a) of
26 this Section, a person's privilege to operate a vehicle as

1 an occupation shall not be suspended, provided an affidavit
2 is properly completed, the appropriate fee received, and a
3 permit issued prior to the effective date of the
4 suspension, unless 5 offenses were committed, at least 2 of
5 which occurred while operating a commercial vehicle in
6 connection with the driver's regular occupation. All other
7 driving privileges shall be suspended by the Secretary of
8 State. Any driver prior to operating a vehicle for
9 occupational purposes only must submit the affidavit on
10 forms to be provided by the Secretary of State setting
11 forth the facts of the person's occupation. The affidavit
12 shall also state the number of offenses committed while
13 operating a vehicle in connection with the driver's regular
14 occupation. The affidavit shall be accompanied by the
15 driver's license. Upon receipt of a properly completed
16 affidavit, the Secretary of State shall issue the driver a
17 permit to operate a vehicle in connection with the driver's
18 regular occupation only. Unless the permit is issued by the
19 Secretary of State prior to the date of suspension, the
20 privilege to drive any motor vehicle shall be suspended as
21 set forth in the notice that was mailed under this Section.
22 If an affidavit is received subsequent to the effective
23 date of this suspension, a permit may be issued for the
24 remainder of the suspension period.

25 The provisions of this subparagraph shall not apply to
26 any driver required to possess a CDL for the purpose of

1 operating a commercial motor vehicle.

2 Any person who falsely states any fact in the affidavit
3 required herein shall be guilty of perjury under Section
4 6-302 and upon conviction thereof shall have all driving
5 privileges revoked without further rights.

6 3. At the conclusion of a hearing under Section 2-118
7 of this Code, the Secretary of State shall either rescind
8 or continue an order of revocation or shall substitute an
9 order of suspension; or, good cause appearing therefor,
10 rescind, continue, change, or extend the order of
11 suspension. If the Secretary of State does not rescind the
12 order, the Secretary may upon application, to relieve undue
13 hardship, issue a restricted driving permit granting the
14 privilege of driving a motor vehicle between the
15 petitioner's residence and petitioner's place of
16 employment or within the scope of his employment related
17 duties, or to allow transportation for the petitioner, or a
18 household member of the petitioner's family, to receive
19 necessary medical care and if the professional evaluation
20 indicates, provide transportation for alcohol remedial or
21 rehabilitative activity, or for the petitioner to attend
22 classes, as a student, in an accredited educational
23 institution; if the petitioner is able to demonstrate that
24 no alternative means of transportation is reasonably
25 available and the petitioner will not endanger the public
26 safety or welfare.

1 If a person's license or permit has been revoked or
2 suspended due to 2 or more convictions of violating Section
3 11-501 of this Code or a similar provision of a local
4 ordinance or a similar out-of-state offense, arising out of
5 separate occurrences, that person, if issued a restricted
6 driving permit, may not operate a vehicle unless it has
7 been equipped with an ignition interlock device as defined
8 in Section 1-129.1.

9 If a person's license or permit has been revoked or
10 suspended 2 or more times within a 10 year period due to a
11 single conviction of violating Section 11-501 of this Code
12 or a similar provision of a local ordinance or a similar
13 out-of-state offense, and a statutory summary suspension
14 under Section 11-501.1, or 2 or more statutory summary
15 suspensions, or combination of 2 offenses, or of an offense
16 and a statutory summary suspension, arising out of separate
17 occurrences, that person, if issued a restricted driving
18 permit, may not operate a vehicle unless it has been
19 equipped with an ignition interlock device as defined in
20 Section 1-129.1. The person must pay to the Secretary of
21 State DUI Administration Fund an amount not to exceed \$20
22 per month. The Secretary shall establish by rule the amount
23 and the procedures, terms, and conditions relating to these
24 fees. If the restricted driving permit was issued for
25 employment purposes, then this provision does not apply to
26 the operation of an occupational vehicle owned or leased by

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

1 is authorized to cancel a restricted driving permit if the
2 permit holder does not successfully complete the program.

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

10 (d) This Section is subject to the provisions of the
11 Drivers License Compact.

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

16 (f) In accordance with 49 C.F.R. 384, the Secretary of
17 State may not issue a restricted driving permit for the
18 operation of a commercial motor vehicle to a person holding a
19 CDL whose driving privileges have been suspended or revoked
20 under any provisions of this Code.

21 (Source: P.A. 93-120, eff. 1-1-04; 93-667, eff. 3-19-04;
22 93-788, eff. 1-1-05; 93-955, eff. 8-19-04; 94-307, eff.
23 9-30-05; 94-556, eff. 9-11-05; 94-930, eff. 6-26-06.)

24 (625 ILCS 5/6-208.1) (from Ch. 95 1/2, par. 6-208.1)

25 Sec. 6-208.1. Period of statutory summary alcohol, other

1 drug, or intoxicating compound related suspension.

2 (a) Unless the statutory summary suspension has been
3 rescinded, any person whose privilege to drive a motor vehicle
4 on the public highways has been summarily suspended, pursuant
5 to Section 11-501.1, shall not be eligible for restoration of
6 the privilege until the expiration of:

7 1. Six months from the effective date of the statutory
8 summary suspension for a refusal or failure to complete a
9 test or tests to determine the alcohol, drug, or
10 intoxicating compound concentration, pursuant to Section
11 11-501.1; or

12 2. Three months from the effective date of the
13 statutory summary suspension imposed following the
14 person's submission to a chemical test which disclosed an
15 alcohol concentration of 0.08 or more, or any amount of a
16 drug, substance, or intoxicating compound in such person's
17 breath, blood, or urine resulting from the unlawful use or
18 consumption of cannabis listed in the Cannabis Control Act,
19 a controlled substance listed in the Illinois Controlled
20 Substances Act, or an intoxicating compound listed in the
21 Use of Intoxicating Compounds Act, pursuant to Section
22 11-501.1; or

23 3. Three years from the effective date of the statutory
24 summary suspension for any person other than a first
25 offender who refuses or fails to complete a test or tests
26 to determine the alcohol, drug, or intoxicating compound

1 concentration pursuant to Section 11-501.1; or

2 4. One year from the effective date of the summary
3 suspension imposed for any person other than a first
4 offender following submission to a chemical test which
5 disclosed an alcohol concentration of 0.08 or more, or an
6 alcohol concentration of 0.06 or more if the person was
7 previously once convicted of violating Section 11-501 of
8 this Code or a similar provision of a local ordinance or a
9 similar provision of a law of another state, or an alcohol
10 concentration of 0.05 or more if the person was previously
11 twice convicted of violating Section 11-501 of this Code or
12 a similar provision of a local ordinance or a similar
13 provision of a law of another state, or an alcohol
14 concentration of 0.04 or more if the person was previously
15 3 or more times convicted of violating Section 11-501 of
16 this Code or a similar provision of a local ordinance or a
17 similar provision of a law of another state, pursuant to
18 Section 11-501.1 or any amount of a drug, substance or
19 compound in such person's blood or urine resulting from the
20 unlawful use or consumption of cannabis listed in the
21 Cannabis Control Act, a controlled substance listed in the
22 Illinois Controlled Substances Act, or an intoxicating
23 compound listed in the Use of Intoxicating Compounds Act.

24 (b) Following a statutory summary suspension of the
25 privilege to drive a motor vehicle under Section 11-501.1, full
26 driving privileges shall be restored unless the person is

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

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

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

17 (e) Following a statutory summary suspension of driving
18 privileges pursuant to Section 11-501.1, for a first offender,
19 the circuit court may, after at least 30 days from the
20 effective date of the statutory summary suspension, issue a
21 judicial driving permit as provided in Section 6-206.1.

22 (f) Subsequent to an arrest of a first offender, for any
23 offense as defined in Section 11-501 or a similar provision of
24 a local ordinance, following a statutory summary suspension of
25 driving privileges pursuant to Section 11-501.1, for a first
26 offender, the circuit court may issue a court order directing

1 the Secretary of State to issue a judicial driving permit as
2 provided in Section 6-206.1. However, this JDP shall not be
3 effective prior to the 31st day of the statutory summary
4 suspension.

5 (g) Following a statutory summary suspension of driving
6 privileges pursuant to Section 11-501.1 where the person was
7 not a first offender, as defined in Section 11-500, the
8 Secretary of State may not issue a restricted driving permit.

9 (h) (Blank).

10 (Source: P.A. 91-357, eff. 7-29-99; 92-248, eff. 8-3-01.)

11 (625 ILCS 5/6-517) (from Ch. 95 1/2, par. 6-517)

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

13 (a) Any person driving a commercial motor vehicle who is
14 requested by a police officer, pursuant to Section 6-516, to
15 submit to a chemical test or tests to determine the alcohol
16 concentration or any amount of a drug, substance, or compound
17 resulting from the unlawful use or consumption of cannabis
18 listed in the Cannabis Control Act or a controlled substance
19 listed in the Illinois Controlled Substances Act in such
20 person's system, must be warned by the police officer
21 requesting the test or tests that a refusal to submit to the
22 test or tests will result in that person being immediately
23 placed out-of-service for a period of 24 hours and being
24 disqualified from operating a commercial motor vehicle for a
25 period of not less than 12 months; the person shall also be

1 warned that if such person submits to testing which discloses
2 an alcohol concentration of greater than 0.00 but less than
3 0.04 or any amount of a drug, substance, or compound in such
4 person's blood or urine resulting from the unlawful use or
5 consumption of cannabis listed in the Cannabis Control Act or a
6 controlled substance listed in the Illinois Controlled
7 Substances Act, such person shall be placed immediately
8 out-of-service for a period of 24 hours; if the person submits
9 to testing which discloses an alcohol concentration of 0.04 or
10 more or any amount of a drug, substance, or compound in such
11 person's blood or urine resulting from the unlawful use or
12 consumption of cannabis listed in the Cannabis Control Act or a
13 controlled substance listed in the Illinois Controlled
14 Substances Act, such person shall be placed immediately
15 out-of-service and disqualified from driving a commercial
16 motor vehicle for a period of at least 12 months; also the
17 person shall be warned that if such testing discloses an
18 alcohol concentration of 0.08~~7~~ or more, or an alcohol
19 concentration of 0.06 or more if the person was previously once
20 convicted of violating Section 11-501 of this Code or a similar
21 provision of a local ordinance or a similar provision of a law
22 of another state, or an alcohol concentration of 0.05 or more
23 if the person was previously twice convicted of violating
24 Section 11-501 of this Code or a similar provision of a local
25 ordinance or a similar provision of a law of another state, or
26 an alcohol concentration of 0.04 or more if the person was

1 previously 3 or more times convicted of violating Section
2 11-501 of this Code or a similar provision of a local ordinance
3 or a similar provision of a law of another state, or any amount
4 of a drug, substance, or compound in such person's blood or
5 urine resulting from the unlawful use or consumption of
6 cannabis listed in the Cannabis Control Act or a controlled
7 substance listed in the Illinois Controlled Substances Act, in
8 addition to the person being immediately placed out-of-service
9 and disqualified for 12 months as provided in this UCDLA, the
10 results of such testing shall also be admissible in
11 prosecutions for violations of Section 11-501 of this Code, or
12 similar violations of local ordinances, however, such results
13 shall not be used to impose any driving sanctions pursuant to
14 Section 11-501.1 of this Code.

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

22 (b) If the person refuses or fails to complete testing, or
23 submits to a test which discloses an alcohol concentration of
24 at least 0.04, or any amount of a drug, substance, or compound
25 in such person's blood or urine resulting from the unlawful use
26 or consumption of cannabis listed in the Cannabis Control Act

1 or a controlled substance listed in the Illinois Controlled
2 Substances Act, the law enforcement officer must submit a Sworn
3 Report to the Secretary of State, in a form prescribed by the
4 Secretary, certifying that the test or tests was requested
5 pursuant to paragraph (a); that the person was warned, as
6 provided in paragraph (a) and that such person refused to
7 submit to or failed to complete testing, or submitted to a test
8 which disclosed an alcohol concentration of 0.04 or more, or
9 any amount of a drug, substance, or compound in such person's
10 blood or urine resulting from the unlawful use or consumption
11 of cannabis listed in the Cannabis Control Act or a controlled
12 substance listed in the Illinois Controlled Substances Act.

13 (c) The police officer submitting the Sworn Report under
14 this Section shall serve notice of the CDL disqualification on
15 the person and such CDL disqualification shall be effective as
16 provided in paragraph (d). In cases where the blood alcohol
17 concentration of 0.04 or more, or any amount of a drug,
18 substance, or compound in such person's blood or urine
19 resulting from the unlawful use or consumption of cannabis
20 listed in the Cannabis Control Act or a controlled substance
21 listed in the Illinois Controlled Substances Act, is
22 established by subsequent analysis of blood or urine collected
23 at the time of the request, the police officer shall give
24 notice as provided in this Section or by deposit in the United
25 States mail of such notice as provided in this Section or by
26 deposit in the United States mail of such notice in an envelope

1 with postage prepaid and addressed to such person's domiciliary
2 address as shown on the Sworn Report and the CDL
3 disqualification shall begin as provided in paragraph (d).

4 (d) The CDL disqualification referred to in this Section
5 shall take effect on the 46th day following the date the Sworn
6 Report was given to the affected person.

7 (e) Upon receipt of the Sworn Report from the police
8 officer, the Secretary of State shall disqualify the person
9 from driving any commercial motor vehicle and shall confirm the
10 CDL disqualification by mailing the notice of the effective
11 date to the person. However, should the Sworn Report be
12 defective by not containing sufficient information or be
13 completed in error, the confirmation of the CDL
14 disqualification shall not be mailed to the affected person or
15 entered into the record, instead the Sworn Report shall be
16 forwarded to the issuing agency identifying any such defect.

17 (Source: P.A. 90-43, eff. 7-2-97; 91-357, eff. 7-29-99.)

18 (625 ILCS 5/6-520) (from Ch. 95 1/2, par. 6-520)

19 Sec. 6-520. CDL disqualification or out-of-service order;
20 hearing.

21 (a) A disqualification of commercial driving privileges by
22 the Secretary of State, pursuant to this UCDLA, shall not
23 become effective until the person is notified in writing, by
24 the Secretary, of the impending disqualification and advised
25 that a CDL hearing may be requested.

1 (b) Upon receipt of the notice of a CDL disqualification
2 not based upon a conviction, an out-of-service order, or
3 notification that a CDL disqualification is forthcoming, the
4 person may make a written petition in a form, approved by the
5 Secretary of State, for a CDL hearing. Such petition must state
6 the grounds upon which the person seeks to have the CDL
7 disqualification rescinded or the out-of-service order removed
8 from the person's driving record. Within 10 days after the
9 receipt of such petition, it shall be reviewed by the Director
10 of the Department of Administrative Hearings, Office of the
11 Secretary of State, or by an appointed designee. If it is
12 determined that the petition on its face does not state grounds
13 upon which the relief may be based, the petition for a CDL
14 hearing shall be denied and the disqualification shall become
15 effective as if no petition had been filed and the
16 out-of-service order shall be sustained. If such petition is so
17 denied, the person may submit another petition.

18 (c) The scope of a CDL hearing, for any disqualification
19 imposed pursuant to paragraphs (1) and (2) of subsection (a) of
20 Section 6-514 shall be limited to the following issues:

21 1. Whether the person was operating a commercial motor
22 vehicle;

23 2. Whether, after making the initial stop, the police
24 officer had probable cause to issue a Sworn Report;

25 3. Whether the person was verbally warned of the
26 ensuing consequences prior to submitting to any type of

1 chemical test or tests to determine such person's blood
2 concentration of alcohol, other drug, or both;

3 4. Whether the person did refuse to submit to or failed
4 to complete the chemical testing or did submit to such test
5 or tests and such test or tests disclosed an alcohol
6 concentration of at least 0.04 or any amount of a drug,
7 substance, or compound resulting from the unlawful use or
8 consumption of cannabis listed in the Cannabis Control Act
9 or a controlled substance listed in the Illinois Controlled
10 Substances Act in the person's system;

11 5. Whether the person was warned that if the test or
12 tests disclosed an alcohol concentration of 0.08 or more,
13 or an alcohol concentration of 0.06 or more if the person
14 was previously once convicted of violating Section 11-501
15 of this Code or a similar provision of a local ordinance or
16 a similar provision of a law of another state, or an
17 alcohol concentration of 0.05 or more if the person was
18 previously twice convicted of violating Section 11-501 of
19 this Code or a similar provision of a local ordinance or a
20 similar provision of a law of another state, or an alcohol
21 concentration of 0.04 or more if the person was previously
22 3 or more times convicted of violating Section 11-501 of
23 this Code or a similar provision of a local ordinance or a
24 similar provision of a law of another state, or any amount
25 of a drug, substance, or compound resulting from the
26 unlawful use or consumption of cannabis listed in the

1 Cannabis Control Act or a controlled substance listed in
2 the Illinois Controlled Substances Act, such results could
3 be admissible in a subsequent prosecution under Section
4 11-501 of this Code or similar provision of local
5 ordinances; and

6 6. Whether such results could not be used to impose any
7 driver's license sanctions pursuant to Section 11-501.1.

8 Upon the conclusion of the above CDL hearing, the CDL
9 disqualification imposed shall either be sustained or
10 rescinded.

11 (d) The scope of a CDL hearing for any out-of-service
12 sanction, imposed pursuant to Section 6-515, shall be limited
13 to the following issues:

14 1. Whether the person was driving a commercial motor
15 vehicle;

16 2. Whether, while driving such commercial motor
17 vehicle, the person had alcohol or any amount of a drug,
18 substance, or compound resulting from the unlawful use or
19 consumption of cannabis listed in the Cannabis Control Act
20 or a controlled substance listed in the Illinois Controlled
21 Substances Act in such person's system;

22 3. Whether the person was verbally warned of the
23 ensuing consequences prior to being asked to submit to any
24 type of chemical test or tests to determine such person's
25 alcohol, other drug, or both, concentration; and

26 4. Whether, after being so warned, the person did

1 refuse to submit to or failed to complete such chemical
2 test or tests or did submit to such test or tests and such
3 test or tests disclosed an alcohol concentration greater
4 than 0.00 or any amount of a drug, substance, or compound
5 resulting from the unlawful use or consumption of cannabis
6 listed in the Cannabis Control Act or a controlled
7 substance listed in the Illinois Controlled Substances
8 Act.

9 Upon the conclusion of the above CDL hearing, the
10 out-of-service sanction shall either be sustained or removed
11 from the person's driving record.

12 (e) If any person petitions for a hearing relating to any
13 CDL disqualification based upon a conviction, as defined in
14 this UCCLA, said hearing shall not be conducted as a CDL
15 hearing, but shall be conducted as any other driver's license
16 hearing, whether formal or informal, as promulgated in the
17 rules and regulations of the Secretary.

18 (f) Any evidence of alcohol or other drug consumption, for
19 the purposes of this UCCLA, shall be sufficient probable cause
20 for requesting the driver to submit to a chemical test or tests
21 to determine the presence of alcohol, other drug, or both in
22 the person's system and the subsequent issuance of an
23 out-of-service order or a Sworn Report by a police officer.

24 (g) For the purposes of this UCCLA, a CDL "hearing" shall
25 mean a hearing before the Office of the Secretary of State in
26 accordance with Section 2-118 of this Code, for the purpose of

1 resolving differences or disputes specifically related to the
2 scope of the issues identified in this Section. These
3 proceedings will be a matter of record and a final appealable
4 order issued. The petition for a CDL hearing shall not stay or
5 delay the effective date of the impending disqualification.

6 (h) The CDL hearing may be conducted upon a review of the
7 police officer's own official reports; provided however, that
8 the petitioner may subpoena the officer. Failure of the officer
9 to answer the subpoena shall be grounds for a continuance.

10 (Source: P.A. 90-43, eff. 7-2-97; 91-357, eff. 7-29-99.)

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

12 Sec. 11-500. Definitions. For the purposes of interpreting
13 Sections 6-206.1 and 6-208.1 of this Code, "first offender"
14 shall mean any person who has not had a previous conviction or
15 court assigned supervision for violating Section 11-501, or a
16 similar provision of a local ordinance, or a conviction in any
17 other state for a violation of driving while under the
18 influence or a similar offense where the cause of action is the
19 same or substantially similar to this Code or any person who
20 has not had a driver's license suspension for violating Section
21 11-501.1 within 5 years prior to the date of the current
22 offense, except in cases where the driver submitted to chemical
23 testing resulting in an alcohol concentration of 0.08 or more,
24 or an alcohol concentration of 0.06 or more if the person was
25 previously once convicted of violating Section 11-501 of this

1 Code or a similar provision of a local ordinance or a similar
2 provision of a law of another state, or an alcohol
3 concentration of 0.05 or more if the person was previously
4 twice convicted of violating Section 11-501 of this Code or a
5 similar provision of a local ordinance or a similar provision
6 of a law of another state, or an alcohol concentration of 0.04
7 or more if the person was previously 3 or more times convicted
8 of violating Section 11-501 of this Code or a similar provision
9 of a local ordinance or a similar provision of a law of another
10 state, or any amount of a drug, substance, or compound in such
11 person's blood or urine resulting from the unlawful use or
12 consumption of cannabis listed in the Cannabis Control Act, a
13 controlled substance listed in the Illinois Controlled
14 Substances Act, or an intoxicating compound listed in the Use
15 of Intoxicating Compounds Act and was subsequently found not
16 guilty of violating Section 11-501, or a similar provision of a
17 local ordinance.

18 (Source: P.A. 90-43, eff. 7-2-97; 90-779, eff. 1-1-99.)

19 (625 ILCS 5/11-501) (from Ch. 95 1/2, par. 11-501)

20 (Text of Section from P.A. 93-1093 and 94-963)

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

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

1 (1) the alcohol concentration in the person's blood or
2 breath is 0.08 or more, or the alcohol concentration is
3 0.06 or more if the person was previously once convicted of
4 violating this Section or a similar provision of a local
5 ordinance or a similar provision of a law of another state,
6 or the alcohol concentration is 0.05 or more if the person
7 was previously twice convicted of violating this Section or
8 a similar provision of a local ordinance or a similar
9 provision of a law of another state, or the alcohol
10 concentration is 0.04 or more if the person was previously
11 3 or more times convicted of violating this Section or a
12 similar provision of a local ordinance or a similar
13 provision of a law of another state, based on the
14 definition of blood and breath units in Section 11-501.2;

15 (2) under the influence of alcohol;

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

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

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

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

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

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

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

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

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

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

23 (b-3) In addition to any other criminal or administrative
24 sanction for any second conviction of violating subsection (a)
25 or a similar provision committed within 5 years of a previous
26 violation of subsection (a) or a similar provision, the

1 defendant shall be sentenced to a mandatory minimum of 5 days
2 of imprisonment or assigned a mandatory minimum of 240 hours of
3 community service as may be determined by the court.

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

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

14 (c) (Blank).

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

22 (2) A person who violates subsection (a) a third time,
23 if the third violation occurs during a period in which his
24 or her driving privileges are revoked or suspended where
25 the revocation or suspension was for a violation of
26 subsection (a), Section 11-501.1, paragraph (b) of Section

1 11-401, or for reckless homicide as defined in Section 9-3
2 of the Criminal Code of 1961, is guilty of a Class 3
3 felony; and if the person receives a term of probation or
4 conditional discharge, he or she shall be required to serve
5 a mandatory minimum of 10 days of imprisonment or shall be
6 assigned a mandatory minimum of 480 hours of community
7 service, as may be determined by the court, as a condition
8 of the probation or conditional discharge. This mandatory
9 minimum term of imprisonment or assignment of community
10 service shall not be suspended or reduced by the court.

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

22 (3) A person who violates subsection (a) a fourth or
23 subsequent time, if the fourth or subsequent violation
24 occurs during a period in which his or her driving
25 privileges are revoked or suspended where the revocation or
26 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 a Class 2 felony and is not eligible for
4 a sentence of probation or conditional discharge.

5 (c-2) (Blank).

6 (c-3) (Blank).

7 (c-4) (Blank).

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

18 (2) Except as provided in subdivisions (c-5)(3) and
19 (c-5)(4) a person who violates subsection (a) a second
20 time, if at the time of the second violation the person was
21 transporting a person under the age of 16, is subject to an
22 additional 10 days of imprisonment, an additional
23 mandatory minimum fine of \$1,000, and an additional
24 mandatory minimum 140 hours of community service, which
25 shall include 40 hours of community service in a program
26 benefiting children. The imprisonment or assignment of

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

4 (3) Except as provided in subdivision (c-5)(4), any
5 person convicted of violating subdivision (c-5)(2) or a
6 similar provision within 10 years of a previous violation
7 of subsection (a) or a similar provision shall receive, in
8 addition to any other penalty imposed, a mandatory minimum
9 12 days imprisonment, an additional 40 hours of mandatory
10 community service in a program benefiting children, and a
11 mandatory minimum fine of \$1,750. The imprisonment or
12 assignment of community service under this subdivision
13 (c-5)(3) is not subject to suspension, nor is the person
14 eligible for a reduced sentence.

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

26 (5) Any person convicted a third time for violating

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

12 (6) Any person convicted of violating subdivision
13 (c-5)(5) or a similar provision a third time within 20
14 years of a previous violation of subsection (a) or a
15 similar provision is guilty of a Class 4 felony and shall
16 receive, in addition to any other penalty imposed, an
17 additional mandatory 40 hours of community service in a
18 program benefiting children, an additional mandatory fine
19 of \$3,000, and a mandatory minimum 120 days of
20 imprisonment. The imprisonment or assignment of community
21 service under this subdivision (c-5)(6) is not subject to
22 suspension, nor is the person eligible for a reduced
23 sentence.

24 (7) Any person convicted a fourth or subsequent time
25 for violating subsection (a) or a similar provision, if at
26 the time of the fourth or subsequent violation the person

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

10 (c-6) (1) Any person convicted of a first violation of
11 subsection (a) or a similar provision, if the alcohol
12 concentration in his or her blood, breath, or urine was
13 0.16 or more based on the definition of blood, breath, or
14 urine units in Section 11-501.2, shall be subject, in
15 addition to any other penalty that may be imposed, to a
16 mandatory minimum of 100 hours of community service and a
17 mandatory minimum fine of \$500.

18 (2) Any person convicted of a second violation of
19 subsection (a) or a similar provision committed within 10
20 years of a previous violation of subsection (a) or a
21 similar provision, if at the time of the second violation
22 of subsection (a) or a similar provision the alcohol
23 concentration in his or her blood, breath, or urine was
24 0.16 or more based on the definition of blood, breath, or
25 urine units in Section 11-501.2, shall be subject, in
26 addition to any other penalty that may be imposed, to a

1 mandatory minimum of 2 days of imprisonment and a mandatory
2 minimum fine of \$1,250.

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

15 (4) Any person convicted of a fourth or subsequent
16 violation of subsection (a) or a similar provision, if at
17 the time of the fourth or subsequent violation the alcohol
18 concentration in his or her blood, breath, or urine was
19 0.16 or more based on the definition of blood, breath, or
20 urine units in Section 11-501.2, and if the person's 3
21 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,
24 breath, or urine was 0.16 or more based on the definition
25 of blood, breath, or urine units in Section 11-501.2, is
26 guilty of a Class 2 felony and is not eligible for a

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

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

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

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

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

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

1 has previously been convicted under subparagraph (C)
2 or subparagraph (F) of this paragraph (1);

3 (E) the person, in committing a violation of
4 subsection (a) while driving at any speed in a school
5 speed zone at a time when a speed limit of 20 miles per
6 hour was in effect under subsection (a) of Section
7 11-605 of this Code, was involved in a motor vehicle
8 accident that resulted in bodily harm, other than great
9 bodily harm or permanent disability or disfigurement,
10 to another person, when the violation of subsection (a)
11 was a proximate cause of the bodily harm; or

12 (F) the person, in committing a violation of
13 subsection (a), was involved in a motor vehicle,
14 snowmobile, all-terrain vehicle, or watercraft
15 accident that resulted in the death of another person,
16 when the violation of subsection (a) was a proximate
17 cause of the death.

18 (2) Except as provided in this paragraph (2), a person
19 convicted of aggravated driving under the influence of
20 alcohol, other drug or drugs, or intoxicating compound or
21 compounds, or any combination thereof is guilty of a Class
22 4 felony. For a violation of subparagraph (C) of paragraph
23 (1) of this subsection (d), the defendant, if sentenced to
24 a term of imprisonment, shall be sentenced to not less than
25 one year nor more than 12 years. Aggravated driving under
26 the influence of alcohol, other drug or drugs, or

1 intoxicating compound or compounds, or any combination
2 thereof as defined in subparagraph (F) of paragraph (1) of
3 this subsection (d) is a Class 2 felony, for which the
4 defendant, if sentenced to a term of imprisonment, shall be
5 sentenced to: (A) a term of imprisonment of not less than 3
6 years and not more than 14 years if the violation resulted
7 in the death of one person; or (B) a term of imprisonment
8 of not less than 6 years and not more than 28 years if the
9 violation resulted in the deaths of 2 or more persons. For
10 any prosecution under this subsection (d), a certified copy
11 of the driving abstract of the defendant shall be admitted
12 as proof of any prior conviction. Any person sentenced
13 under this subsection (d) who receives a term of probation
14 or conditional discharge must serve a minimum term of
15 either 480 hours of community service or 10 days of
16 imprisonment as a condition of the probation or conditional
17 discharge. This mandatory minimum term of imprisonment or
18 assignment of community service may not be suspended or
19 reduced by the court.

20 (e) After a finding of guilt and prior to any final
21 sentencing, or an order for supervision, for an offense based
22 upon an arrest for a violation of this Section or a similar
23 provision of a local ordinance, individuals shall be required
24 to undergo a professional evaluation to determine if an
25 alcohol, drug, or intoxicating compound abuse problem exists
26 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

1 ignition interlock devices on all vehicles owned by an
2 individual who has been convicted of a second or subsequent
3 offense of this Section or a similar provision of a local
4 ordinance. The Secretary shall establish by rule and regulation
5 the procedures for certification and use of the interlock
6 system.

7 (j) In addition to any other penalties and liabilities, a
8 person who is found guilty of or pleads guilty to violating
9 subsection (a), including any person placed on court
10 supervision for violating subsection (a), shall be fined \$500,
11 payable to the circuit clerk, who shall distribute the money as
12 follows: 20% to the law enforcement agency that made the arrest
13 and 80% shall be forwarded to the State Treasurer for deposit
14 into the General Revenue Fund. If the person has been
15 previously convicted of violating subsection (a) or a similar
16 provision of a local ordinance, the fine shall be \$1,000. In
17 the event that more than one agency is responsible for the
18 arrest, the amount payable to law enforcement agencies shall be
19 shared equally. Any moneys received by a law enforcement agency
20 under this subsection (j) shall be used for enforcement and
21 prevention of driving while under the influence of alcohol,
22 other drug or drugs, intoxicating compound or compounds or any
23 combination thereof, as defined by this Section, including but
24 not limited to the purchase of law enforcement equipment and
25 commodities that will assist in the prevention of alcohol
26 related criminal violence throughout the State; police officer

1 training and education in areas related to alcohol related
2 crime, including but not limited to DUI training; and police
3 officer salaries, including but not limited to salaries for
4 hire back funding for safety checkpoints, saturation patrols,
5 and liquor store sting operations. Equipment and commodities
6 shall include, but are not limited to, in-car video cameras,
7 radar and laser speed detection devices, and alcohol breath
8 testers. Any moneys received by the Department of State Police
9 under this subsection (j) shall be deposited into the State
10 Police DUI Fund and 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 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.

22 (k) The Secretary of State Police DUI Fund is created as a
23 special fund in the State treasury. All moneys received by the
24 Secretary of State Police under subsection (j) of this Section
25 shall be deposited into the Secretary of State Police DUI Fund
26 and, subject to appropriation, shall be used for enforcement

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

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

1 licensed under existing applicable alcoholism and drug
2 treatment licensure standards.

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

20 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;
21 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;
22 93-840, eff. 7-30-04; 93-1093, eff. 3-29-05; 94-963, eff.
23 6-28-06.)

24 (Text of Section from P.A. 94-110 and 94-963)
25 Sec. 11-501. Driving while under the influence of alcohol,

1 other drug or drugs, intoxicating compound or compounds or any
2 combination thereof.

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

5 (1) the alcohol concentration in the person's blood or
6 breath is 0.08 or more, or the alcohol concentration is
7 0.06 or more if the person was previously once convicted of
8 violating this Section or a similar provision of a local
9 ordinance or a similar provision of a law of another state,
10 or the alcohol concentration is 0.05 or more if the person
11 was previously twice convicted of violating this Section or
12 a similar provision of a local ordinance or a similar
13 provision of a law of another state, or the alcohol
14 concentration is 0.04 or more if the person was previously
15 3 or more times convicted of violating this Section or a
16 similar provision of a local ordinance or a similar
17 provision of a law of another state, based on the
18 definition of blood and breath units in Section 11-501.2;

19 (2) under the influence of alcohol;

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

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

26 (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.

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

8 (b-4) In the case of a third or subsequent violation
9 committed within 5 years of a previous violation of subsection
10 (a) or a similar provision, in addition to any other criminal
11 or administrative sanction, a mandatory minimum term of either
12 10 days of imprisonment or 480 hours of community service shall
13 be imposed.

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

18 (c) (Blank).

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

26 (2) A person who violates subsection (a) a third time,

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

15 (2.2) A person who violates subsection (a), if the
16 violation occurs during a period in which his or her
17 driving privileges are revoked or suspended where the
18 revocation or suspension was for a violation of subsection
19 (a) or Section 11-501.1, shall also be sentenced to an
20 additional mandatory minimum term of 30 consecutive days of
21 imprisonment, 40 days of 24-hour periodic imprisonment, or
22 720 hours of community service, as may be determined by the
23 court. This mandatory term of imprisonment or assignment of
24 community service shall not be suspended or reduced by the
25 court.

26 (3) A person who violates subsection (a) a fourth or

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

9 (c-2) (Blank).

10 (c-3) (Blank).

11 (c-4) (Blank).

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

21 (c-5.1) A person 21 years of age or older who is convicted
22 of violating subsection (a) of this Section a first time and
23 who in committing that violation was involved in a motor
24 vehicle accident that resulted in bodily harm to the child
25 under the age of 16 being transported by the person, if the
26 violation was the proximate cause of the injury, is guilty of a

1 Class 4 felony and is subject to one year of imprisonment, a
2 mandatory fine of \$2,500, and 25 days of community service in a
3 program benefiting children. The imprisonment or assignment to
4 community service under this subsection (c-5.1) shall not be
5 subject to suspension, nor shall the person be eligible for
6 probation in order to reduce the sentence or assignment.

7 (c-6) Except as provided in subsections (c-7) and (c-7.1),
8 a person 21 years of age or older who violates subsection (a) a
9 second time, if at the time of the second violation the person
10 was transporting a person under the age of 16, is subject to 6
11 months of imprisonment, an additional mandatory minimum fine of
12 \$1,000, and an additional mandatory minimum 140 hours of
13 community service, which shall include 40 hours of community
14 service in a program benefiting children. The imprisonment or
15 assignment of community service under this subsection (c-6) is
16 not subject to suspension, nor is the person eligible for a
17 reduced sentence.

18 (c-7) Except as provided in subsection (c-7.1), any person
19 21 years of age or older convicted of violating subsection
20 (c-6) or a similar provision within 10 years of a previous
21 violation of subsection (a) or a similar provision is guilty of
22 a Class 4 felony and, in addition to any other penalty imposed,
23 is subject to one year of imprisonment, 25 days of mandatory
24 community service in a program benefiting children, and a
25 mandatory fine of \$2,500. The imprisonment or assignment of
26 community service under this subsection (c-7) is not subject to

1 suspension, nor is the person eligible for a reduced sentence.

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

14 (c-8) (Blank).

15 (c-9) Any person 21 years of age or older convicted a third
16 time for violating subsection (a) or a similar provision, if at
17 the time of the third violation the person was transporting a
18 person under the age of 16, is guilty of a Class 4 felony and is
19 subject to 18 months of imprisonment, a mandatory fine of
20 \$2,500, and 25 days of community service in a program
21 benefiting children. The imprisonment or assignment of
22 community service under this subsection (c-9) is not subject to
23 suspension, nor is the person eligible for a reduced sentence.

24 (c-10) Any person 21 years of age or older convicted of
25 violating subsection (c-9) or a similar provision a third time
26 within 20 years of a previous violation of subsection (a) or a

1 similar provision is guilty of a Class 3 felony and, in
2 addition to any other penalty imposed, is subject to 3 years of
3 imprisonment, 25 days of community service in a program
4 benefiting children, and a mandatory fine of \$25,000. The
5 imprisonment or assignment of community service under this
6 subsection (c-10) is not subject to suspension, nor is the
7 person eligible for a reduced sentence.

8 (c-11) Any person 21 years of age or older convicted a
9 fourth or subsequent time for violating subsection (a) or a
10 similar provision, if at the time of the fourth or subsequent
11 violation the person was transporting a person under the age of
12 16, and if the person's 3 prior violations of subsection (a) or
13 a similar provision occurred while transporting a person under
14 the age of 16 or while the alcohol concentration in his or her
15 blood, breath, or urine was 0.16 or more based on the
16 definition of blood, breath, or urine units in Section
17 11-501.2, is guilty of a Class 2 felony, is not eligible for
18 probation or conditional discharge, and is subject to a minimum
19 fine of \$25,000.

20 (c-12) Any person convicted of a first violation of
21 subsection (a) or a similar provision, if the alcohol
22 concentration in his or her blood, breath, or urine was 0.16 or
23 more based on the definition of blood, breath, or urine units
24 in Section 11-501.2, shall be subject, in addition to any other
25 penalty that may be imposed, to a mandatory minimum of 100
26 hours of community service and a mandatory minimum fine of

1 \$500.

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

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

23 (c-15) Any person convicted of a fourth or subsequent
24 violation of subsection (a) or a similar provision, if at the
25 time of the fourth or subsequent violation the alcohol
26 concentration in his or her blood, breath, or urine was 0.16 or

1 more based on the definition of blood, breath, or urine units
2 in Section 11-501.2, and if the person's 3 prior violations of
3 subsection (a) or a similar provision occurred while
4 transporting a person under the age of 16 or while the alcohol
5 concentration in his or her blood, breath, or urine was 0.16 or
6 more based on the definition of blood, breath, or urine units
7 in Section 11-501.2, is guilty of a Class 2 felony and is not
8 eligible for a sentence of probation or conditional discharge
9 and is subject to a minimum fine of \$2,500.

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

15 (A) the person committed a violation of subsection
16 (a) or a similar provision for the third or subsequent
17 time;

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

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

26 (D) the person committed a violation of subsection

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

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

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

25 (2) Except as provided in this paragraph (2), a person
26 convicted of aggravated driving under the influence of

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

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

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

23 (f) Every person found guilty of violating this Section,
24 whose operation of a motor vehicle while in violation of this
25 Section proximately caused any incident resulting in an
26 appropriate emergency response, shall be liable for the expense

1 of an emergency response as provided under Section 5-5-3 of the
2 Unified Code of Corrections.

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

6 (h) (Blank).

7 (i) The Secretary of State shall require the use of
8 ignition interlock devices on all vehicles owned by an
9 individual who has been convicted of a second or subsequent
10 offense of this Section or a similar provision of a local
11 ordinance. The Secretary shall establish by rule and regulation
12 the procedures for certification and use of the interlock
13 system.

14 (j) In addition to any other penalties and liabilities, a
15 person who is found guilty of or pleads guilty to violating
16 subsection (a), including any person placed on court
17 supervision for violating subsection (a), shall be fined \$500,
18 payable to the circuit clerk, who shall distribute the money as
19 follows: 20% to the law enforcement agency that made the arrest
20 and 80% shall be forwarded to the State Treasurer for deposit
21 into the General Revenue Fund. If the person has been
22 previously convicted of violating subsection (a) or a similar
23 provision of a local ordinance, the fine shall be \$1,000. In
24 the event that more than one agency is responsible for the
25 arrest, the amount payable to law enforcement agencies shall be
26 shared equally. Any moneys received by a law enforcement agency

1 under this subsection (j) shall be used for enforcement and
2 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 purchase of law enforcement equipment and
6 commodities that will assist in the prevention of alcohol
7 related 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. Equipment and commodities
13 shall include, but are not limited to, in-car video cameras,
14 radar and laser speed detection devices, and alcohol breath
15 testers. Any moneys received by the Department of State Police
16 under this subsection (j) shall be deposited into the State
17 Police DUI Fund and shall be used for enforcement and
18 prevention of driving while under the influence of alcohol,
19 other drug or drugs, intoxicating compound or compounds or any
20 combination thereof, as defined by this Section, including but
21 not limited to the purchase of law enforcement equipment and
22 commodities that will assist in the prevention of alcohol
23 related criminal violence throughout the State; police officer
24 training and education in areas related to alcohol related
25 crime, including but not limited to DUI training; and police
26 officer salaries, including but not limited to salaries for

1 hire back funding for safety checkpoints, saturation patrols,
2 and liquor store sting operations.

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

19 (l) Whenever an individual is sentenced for an offense
20 based upon an arrest for a violation of subsection (a) or a
21 similar provision of a local ordinance, and the professional
22 evaluation recommends remedial or rehabilitative treatment or
23 education, neither the treatment nor the education shall be the
24 sole disposition and either or both may be imposed only in
25 conjunction with another disposition. The court shall monitor
26 compliance with any remedial education or treatment

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

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

1 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;
2 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;
3 93-840, eff. 7-30-04; 94-110, eff. 1-1-06; 94-963, eff.
4 6-28-06.)

5 (Text of Section from P.A. 94-113, 94-609, and 94-963)

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

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

11 (1) the alcohol concentration in the person's blood or
12 breath is 0.08 or more, or the alcohol concentration is
13 0.06 or more if the person was previously once convicted of
14 violating this Section or a similar provision of a local
15 ordinance or a similar provision of a law of another state,
16 or the alcohol concentration is 0.05 or more if the person
17 was previously twice convicted of violating this Section or
18 a similar provision of a local ordinance or a similar
19 provision of a law of another state, or the alcohol
20 concentration is 0.04 or more if the person was previously
21 3 or more times convicted of violating this Section or a
22 similar provision of a local ordinance or a similar
23 provision of a law of another state, based on the
24 definition of blood and breath units in Section 11-501.2;

25 (2) under the influence of alcohol;

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

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

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

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

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

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

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

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

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

8 (b-3) In addition to any other criminal or administrative
9 sanction for any second conviction of violating subsection (a)
10 or a similar provision committed within 5 years of a previous
11 violation of subsection (a) or a similar provision, the
12 defendant shall be sentenced to a mandatory minimum of 5 days
13 of imprisonment or assigned a mandatory minimum of 240 hours of
14 community service as may be determined by the court.

15 (b-4) In the case of a third or subsequent violation
16 committed within 5 years of a previous violation of subsection
17 (a) or a similar provision, in addition to any other criminal
18 or administrative sanction, a mandatory minimum term of either
19 10 days of imprisonment or 480 hours of community service shall
20 be imposed.

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

25 (c) (Blank).

26 (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.

15 (2.1) A person who violates subsection (a) a third
16 time, if the third violation occurs during a period in
17 which his or her driving privileges are revoked or
18 suspended where the revocation or suspension was for a
19 violation of subsection (a), Section 11-501.1, subsection
20 (b) of Section 11-401, or for reckless homicide as defined
21 in Section 9-3 of the Criminal Code of 1961, is guilty of a
22 Class 3 felony; and if the person receives a term of
23 probation or conditional discharge, he or she shall be
24 required to serve a mandatory minimum of 10 days of
25 imprisonment or shall be assigned a mandatory minimum of
26 480 hours of community service, as may be determined by the

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

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

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

25 (c-2) (Blank).

26 (c-3) (Blank).

1 (c-4) (Blank).

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

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

22 (c-7) Except as provided in subsection (c-8), any person
23 convicted of violating subsection (c-6) or a similar provision
24 within 10 years of a previous violation of subsection (a) or a
25 similar provision shall receive, in addition to any other
26 penalty imposed, a mandatory minimum 12 days imprisonment, an

1 additional 40 hours of mandatory community service in a program
2 benefiting children, and a mandatory minimum fine of \$1,750.
3 The imprisonment or assignment of community service under this
4 subsection (c-7) is not subject to suspension, nor is the
5 person eligible for a reduced sentence.

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

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

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

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

23 (c-12) Any person convicted of a first violation of
24 subsection (a) or a similar provision, if 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

1 in Section 11-501.2, shall be subject, in addition to any other
2 penalty that may be imposed, to a mandatory minimum of 100
3 hours of community service and a mandatory minimum fine of
4 \$500.

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

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

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

14 (d) (1) Every person convicted of committing a violation of
15 this Section shall be guilty of aggravated driving under
16 the influence of alcohol, other drug or drugs, or
17 intoxicating compound or compounds, or any combination
18 thereof if:

19 (A) the person committed a violation of subsection
20 (a) or a similar provision for the third or subsequent
21 time;

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

25 (C) the person in committing a violation of
26 subsection (a) was involved in a motor vehicle accident

1 that resulted in great bodily harm or permanent
2 disability or disfigurement to another, when the
3 violation was a proximate cause of the injuries;

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

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

23 (F) the person, in committing a violation of
24 subsection (a), was involved in a motor vehicle,
25 snowmobile, all-terrain vehicle, or watercraft
26 accident that resulted in the death of another person,

1 when the violation of subsection (a) was a proximate
2 cause of the death.

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

1 either 480 hours of community service or 10 days of
2 imprisonment as a condition of the probation or conditional
3 discharge. This mandatory minimum term of imprisonment or
4 assignment of community service may not be suspended or
5 reduced by the court.

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

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

1 determined by the court.

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

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

11 (h) (Blank).

12 (i) The Secretary of State shall require the use of
13 ignition interlock devices on all vehicles owned by an
14 individual who has been convicted of a second or subsequent
15 offense of this Section or a similar provision of a local
16 ordinance. The Secretary shall establish by rule and regulation
17 the procedures for certification and use of the interlock
18 system.

19 (j) In addition to any other penalties and liabilities, a
20 person who is found guilty of or pleads guilty to violating
21 subsection (a), including any person placed on court
22 supervision for violating subsection (a), shall be fined \$500,
23 payable to the circuit clerk, who shall distribute the money as
24 follows: 20% to the law enforcement agency that made the arrest
25 and 80% shall be forwarded to the State Treasurer for deposit
26 into the General Revenue Fund. If the person has been

1 previously convicted of violating subsection (a) or a similar
2 provision of a local ordinance, the fine shall be \$1,000. In
3 the event that more than one agency is responsible for the
4 arrest, the amount payable to law enforcement agencies shall be
5 shared equally. Any moneys received by a law enforcement agency
6 under this subsection (j) shall be used for enforcement and
7 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 purchase of law enforcement equipment and
11 commodities that will assist in the prevention of alcohol
12 related 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. Equipment and commodities
18 shall include, but are not limited to, in-car video cameras,
19 radar and laser speed detection devices, and alcohol breath
20 testers. Any moneys received by the Department of State Police
21 under this subsection (j) shall be deposited into the State
22 Police DUI Fund and shall be used for enforcement and
23 prevention of driving while under the influence of alcohol,
24 other drug or drugs, intoxicating compound or compounds or any
25 combination thereof, as defined by this Section, including but
26 not limited to the purchase of law enforcement equipment and

1 commodities that will assist in the prevention of alcohol
2 related criminal violence throughout the State; police officer
3 training and education in areas related to alcohol related
4 crime, including but not limited to DUI training; and police
5 officer salaries, including but not limited to salaries for
6 hire back funding for safety checkpoints, saturation patrols,
7 and liquor store sting operations.

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

24 (l) Whenever an individual is sentenced for an offense
25 based upon an arrest for a violation of subsection (a) or a
26 similar provision of a local ordinance, and the professional

1 evaluation recommends remedial or rehabilitative treatment or
2 education, neither the treatment nor the education shall be the
3 sole disposition and either or both may be imposed only in
4 conjunction with another disposition. The court shall monitor
5 compliance with any remedial education or treatment
6 recommendations contained in the professional evaluation.
7 Programs conducting alcohol or other drug evaluation or
8 remedial education must be licensed by the Department of Human
9 Services. If the individual is not a resident of Illinois,
10 however, the court may accept an alcohol or other drug
11 evaluation or remedial education program in the individual's
12 state of residence. Programs providing treatment must be
13 licensed under existing applicable alcoholism and drug
14 treatment licensure standards.

15 (m) In addition to any other fine or penalty required by
16 law, an individual convicted of a violation of subsection (a),
17 Section 5-7 of the Snowmobile Registration and Safety Act,
18 Section 5-16 of the Boat Registration and Safety Act, or a
19 similar provision, whose operation of a motor vehicle,
20 snowmobile, or watercraft while in violation of subsection (a),
21 Section 5-7 of the Snowmobile Registration and Safety Act,
22 Section 5-16 of the Boat Registration and Safety Act, or a
23 similar provision proximately caused an incident resulting in
24 an appropriate emergency response, shall be required to make
25 restitution to a public agency for the costs of that emergency
26 response. The restitution may not exceed \$1,000 per public

1 agency for each emergency response. As used in this subsection
2 (m), "emergency response" means any incident requiring a
3 response by a police officer, a firefighter carried on the
4 rolls of a regularly constituted fire department, or an
5 ambulance.

6 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;
7 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;
8 93-840, eff. 7-30-04; 94-113, eff. 1-1-06; 94-609, eff. 1-1-06;
9 94-963, eff. 6-28-06.)

10 (Text of Section from P.A. 94-114 and 94-963)

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

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

16 (1) the alcohol concentration in the person's blood or
17 breath is 0.08 or more, or the alcohol concentration is
18 0.06 or more if the person was previously once convicted of
19 violating this Section or a similar provision of a local
20 ordinance or a similar provision of a law of another state,
21 or the alcohol concentration is 0.05 or more if the person
22 was previously twice convicted of violating this Section or
23 a similar provision of a local ordinance or a similar
24 provision of a law of another state, or the alcohol
25 concentration is 0.04 or more if the person was previously

1 3 or more times convicted of violating this Section or a
2 similar provision of a local ordinance or a similar
3 provision of a law of another state, based on the
4 definition of blood and breath units in Section 11-501.2;

5 (2) under the influence of alcohol;

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

9 (4) under the influence of any other drug or
10 combination of drugs to a degree that renders the person
11 incapable of safely driving;

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

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

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

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

1 (1) Any reference to a prior violation of subsection
2 (a) or a similar provision includes any violation of a
3 provision of a local ordinance or a provision of a law of
4 another state that is similar to a violation of subsection
5 (a) of this Section.

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

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

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

20 (b-4) In the case of a third or subsequent violation
21 committed within 5 years of a previous violation of subsection
22 (a) or a similar provision, in addition to any other criminal
23 or administrative sanction, a mandatory minimum term of either
24 10 days of imprisonment or 480 hours of community service shall
25 be imposed.

26 (b-5) The imprisonment or assignment of community service

1 under subsections (b-3) and (b-4) shall not be subject to
2 suspension, nor shall the person be eligible for a reduced
3 sentence.

4 (c) (Blank).

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

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

20 (2.1) A person who violates subsection (a) a third
21 time, if the third violation occurs during a period in
22 which his or her driving privileges are revoked or
23 suspended where the revocation or suspension was for a
24 violation of subsection (a), Section 11-501.1, subsection
25 (b) of Section 11-401, or for reckless homicide as defined
26 in Section 9-3 of the Criminal Code of 1961, is guilty of a

1 Class 3 felony; and if the person receives a term of
2 probation or conditional discharge, he or she shall be
3 required to serve a mandatory minimum of 10 days of
4 imprisonment or shall be assigned a mandatory minimum of
5 480 hours of community service, as may be determined by the
6 court, as a condition of the probation or conditional
7 discharge. This mandatory minimum term of imprisonment or
8 assignment of community service shall not be suspended or
9 reduced by the court.

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

21 (3) A person who violates subsection (a) a fourth or
22 fifth time, if the fourth or fifth violation occurs during
23 a period in which his or her driving privileges are revoked
24 or suspended where the revocation or suspension was for a
25 violation of subsection (a), Section 11-501.1, paragraph
26 (b) of Section 11-401, or for reckless homicide as defined

1 in Section 9-3 of the Criminal Code of 1961, is guilty of a
2 Class 2 felony and is not eligible for a sentence of
3 probation or conditional discharge.

4 (c-2) (Blank).

5 (c-3) (Blank).

6 (c-4) (Blank).

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

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

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

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

21 (c-9) Any person convicted a third time for violating
22 subsection (a) or a similar provision, if at the time of the
23 third violation the person was transporting a person under the
24 age of 16, is guilty of a Class 4 felony and shall receive, in
25 addition to any other penalty imposed, an additional mandatory
26 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 fifth time for
18 violating subsection (a) or a similar provision, if at the time
19 of the fourth or fifth violation the person was transporting a
20 person under the age of 16, and if the person's 3 prior
21 violations of subsection (a) or a similar provision occurred
22 while transporting a person under the age of 16 or while the
23 alcohol concentration in his or her blood, breath, or urine was
24 0.16 or more based on the definition of blood, breath, or urine
25 units in Section 11-501.2, is guilty of a Class 2 felony, is
26 not eligible for probation or conditional discharge, and is

1 subject to a minimum fine of \$3,000.

2 (c-12) Any person convicted of a first violation of
3 subsection (a) or a similar provision, if the alcohol
4 concentration in his or her blood, breath, or urine was 0.16 or
5 more based on the definition of blood, breath, or urine units
6 in Section 11-501.2, shall be subject, in addition to any other
7 penalty that may be imposed, to a mandatory minimum of 100
8 hours of community service and a mandatory minimum fine of
9 \$500.

10 (c-13) Any person convicted of a second violation of
11 subsection (a) or a similar provision committed within 10 years
12 of a previous violation of subsection (a) or a similar
13 provision committed within 10 years of a previous violation of
14 subsection (a) or a similar provision, if at the time of the
15 second violation of subsection (a) the alcohol concentration in
16 his or her blood, breath, or urine was 0.16 or more based on
17 the definition of blood, breath, or urine units in Section
18 11-501.2, shall be subject, in addition to any other penalty
19 that may be imposed, to a mandatory minimum of 2 days of
20 imprisonment and a mandatory minimum fine of \$1,250.

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

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

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

26 (A) the person committed a violation of subsection

1 (a) or a similar provision for the third or subsequent
2 time;

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

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

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

21 (E) the person, in committing a violation of
22 subsection (a) while driving at any speed in a school
23 speed zone at a time when a speed limit of 20 miles per
24 hour was in effect under subsection (a) of Section
25 11-605 of this Code, was involved in a motor vehicle
26 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

1 violation resulted in the deaths of 2 or more persons. For
2 any prosecution under this subsection (d), a certified copy
3 of the driving abstract of the defendant shall be admitted
4 as proof of any prior conviction. Any person sentenced
5 under this subsection (d) who receives a term of probation
6 or conditional discharge must serve a minimum term of
7 either 480 hours of community service or 10 days of
8 imprisonment as a condition of the probation or conditional
9 discharge. This mandatory minimum term of imprisonment or
10 assignment of community service may not be suspended or
11 reduced by the court.

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

24 (e-1) Any person who is found guilty of or pleads guilty to
25 violating this Section, including any person receiving a
26 disposition of court supervision for violating this Section,

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

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

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

17 (h) (Blank).

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

25 (j) In addition to any other penalties and liabilities, a
26 person who is found guilty of or pleads guilty to violating

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

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

14 (k) The Secretary of State Police DUI Fund is created as a
15 special fund in the State treasury. All moneys received by the
16 Secretary of State Police under subsection (j) of this Section
17 shall be deposited into the Secretary of State Police DUI Fund
18 and, subject to appropriation, shall be used for enforcement
19 and 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 purchase of law enforcement equipment and
23 commodities to assist in the prevention of alcohol related
24 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

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

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

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

12 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;
13 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;
14 93-840, eff. 7-30-04; 94-114, eff. 1-1-06; 94-963, eff.
15 6-28-06.)

16 (Text of Section from P.A. 94-116 and 94-963)

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

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

22 (1) the alcohol concentration in the person's blood or
23 breath is 0.08 or more, or the alcohol concentration is
24 0.06 or more if the person was previously once convicted of
25 violating this Section or a similar provision of a local

1 ordinance or a similar provision of a law of another state,
2 or the alcohol concentration is 0.05 or more if the person
3 was previously twice convicted of violating this Section or
4 a similar provision of a local ordinance or a similar
5 provision of a law of another state, or the alcohol
6 concentration is 0.04 or more if the person was previously
7 3 or more times convicted of violating this Section or a
8 similar provision of a local ordinance or a similar
9 provision of a law of another state, based on the
10 definition of blood and breath units in Section 11-501.2;

11 (2) under the influence of alcohol;

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

15 (4) under the influence of any other drug or
16 combination of drugs to a degree that renders the person
17 incapable of safely driving;

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

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

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

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

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

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

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

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

26 (b-4) In the case of a third violation committed within 5

1 years of a previous violation of subsection (a) or a similar
2 provision, the defendant is guilty of a Class 2 felony, and in
3 addition to any other criminal or administrative sanction, a
4 mandatory minimum term of either 10 days of imprisonment or 480
5 hours of community service shall be imposed.

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

10 (c) (Blank).

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

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

20 (2.1) A person who violates subsection (a) a third
21 time, if the third violation occurs during a period in
22 which his or her driving privileges are revoked or
23 suspended where the revocation or suspension was for a
24 violation of subsection (a), Section 11-501.1, subsection
25 (b) of Section 11-401, or for reckless homicide as defined
26 in Section 9-3 of the Criminal Code of 1961, is guilty of a

1 Class 2 felony; and if the person receives a term of
2 probation or conditional discharge, he or she shall be
3 required to serve a mandatory minimum of 10 days of
4 imprisonment or shall be assigned a mandatory minimum of
5 480 hours of community service, as may be determined by the
6 court, as a condition of the probation or conditional
7 discharge. This mandatory minimum term of imprisonment or
8 assignment of community service shall not be suspended or
9 reduced by the court.

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

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

24 (4) A person who violates subsection (a) a fifth or
25 subsequent time is guilty of a Class 1 felony and is not
26 eligible for a sentence of probation or conditional

1 discharge.

2 (c-2) (Blank).

3 (c-3) (Blank).

4 (c-4) (Blank).

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

14 (c-6) Except as provided in subsections (c-7) and (c-8) a
15 person who violates subsection (a) a second time, if at the
16 time of the second violation the person was transporting a
17 person under the age of 16, is subject to an additional 10 days
18 of imprisonment, an additional mandatory minimum fine of
19 \$1,000, and an additional mandatory minimum 140 hours of
20 community service, which shall include 40 hours of community
21 service in a program benefiting children. The imprisonment or
22 assignment of community service under this subsection (c-6) is
23 not subject to suspension, nor is the person eligible for a
24 reduced sentence.

25 (c-7) Except as provided in subsection (c-8), any person
26 convicted of violating subsection (c-6) or a similar provision

1 within 10 years of a previous violation of subsection (a) or a
2 similar provision shall receive, in addition to any other
3 penalty imposed, a mandatory minimum 12 days imprisonment, an
4 additional 40 hours of mandatory community service in a program
5 benefiting children, and a mandatory minimum fine of \$1,750.
6 The imprisonment or assignment of community service under this
7 subsection (c-7) is not subject to suspension, nor is the
8 person eligible for a reduced sentence.

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

19 (c-9) Any person convicted a third time for violating
20 subsection (a) or a similar provision, if at the time of the
21 third violation the person was transporting a person under the
22 age of 16, is guilty of a Class 2 felony and shall receive, in
23 addition to any other penalty imposed, an additional mandatory
24 fine of \$1,000, an additional mandatory 140 hours of community
25 service, which shall include 40 hours in a program benefiting
26 children, and a mandatory minimum 30 days of imprisonment. The

1 imprisonment or assignment of community service under this
2 subsection (c-9) is not subject to suspension, nor is the
3 person eligible for a reduced sentence.

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

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

26 (c-12) Any person convicted of a first violation of

1 subsection (a) or a similar provision, if the alcohol
2 concentration in his or her blood, breath, or urine was 0.16 or
3 more based on the definition of blood, breath, or urine units
4 in Section 11-501.2, shall be subject, in addition to any other
5 penalty that may be imposed, to a mandatory minimum of 100
6 hours of community service and a mandatory minimum fine of
7 \$500.

8 (c-13) Any person convicted of a second violation of
9 subsection (a) or a similar provision committed within 10 years
10 of a previous violation of subsection (a) or a similar
11 provision committed within 10 years of a previous violation of
12 subsection (a) or a similar provision, if at the time of the
13 second violation of subsection (a) the alcohol concentration in
14 his or her blood, breath, or urine was 0.16 or more based on
15 the definition of blood, breath, or urine units in Section
16 11-501.2, shall be subject, in addition to any other penalty
17 that may be imposed, to a mandatory minimum of 2 days of
18 imprisonment and a mandatory minimum fine of \$1,250.

19 (c-14) Any person convicted of a third violation of
20 subsection (a) or a similar provision within 20 years of a
21 previous violation of subsection (a) or a similar provision, if
22 at the time of the third violation of subsection (a) or a
23 similar provision the alcohol concentration in his or her
24 blood, breath, or urine was 0.16 or more based on the
25 definition of blood, breath, or urine units in Section
26 11-501.2, is guilty of a Class 2 felony and shall be subject,

1 in addition to any other penalty that may be imposed, to a
2 mandatory minimum of 90 days of imprisonment and a mandatory
3 minimum fine of \$2,500.

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

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

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

25 (B) the person committed a violation of subsection
26 (a) while driving a school bus with persons 18 years of

1 age or younger on board;

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

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

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

26 (F) the person, in committing a violation of

1 subsection (a), was involved in a motor vehicle,
2 snowmobile, all-terrain vehicle, or watercraft
3 accident that resulted in the death of another person,
4 when the violation of subsection (a) was a proximate
5 cause of the death.

6 (2) Except as provided in this paragraph (2) and in
7 paragraphs (3) and (4) of subsection (c-1), a person
8 convicted of aggravated driving under the influence of
9 alcohol, other drug or drugs, or intoxicating compound or
10 compounds, or any combination thereof is guilty of a Class
11 4 felony. For a violation of subparagraph (C) of paragraph
12 (1) of this subsection (d), the defendant, if sentenced to
13 a term of imprisonment, shall be sentenced to not less than
14 one year nor more than 12 years. Except as provided in
15 paragraph (4) of subsection (c-1), aggravated driving
16 under the influence of alcohol, other drug, or drugs,
17 intoxicating compounds or compounds, or any combination
18 thereof as defined in subparagraph (A) of paragraph (1) of
19 this subsection (d) is a Class 2 felony. Aggravated driving
20 under the influence of alcohol, other drug or drugs, or
21 intoxicating compound or compounds, or any combination
22 thereof as defined in subparagraph (F) of paragraph (1) of
23 this subsection (d) is a Class 2 felony, for which the
24 defendant, if sentenced to a term of imprisonment, shall be
25 sentenced to: (A) a term of imprisonment of not less than 3
26 years and not more than 14 years if the violation resulted

1 in the death of one person; or (B) a term of imprisonment
2 of not less than 6 years and not more than 28 years if the
3 violation resulted in the deaths of 2 or more persons. For
4 any prosecution under this subsection (d), a certified copy
5 of the driving abstract of the defendant shall be admitted
6 as proof of any prior conviction. Any person sentenced
7 under this subsection (d) who receives a term of probation
8 or conditional discharge must serve a minimum term of
9 either 480 hours of community service or 10 days of
10 imprisonment as a condition of the probation or conditional
11 discharge. This mandatory minimum term of imprisonment or
12 assignment of community service may not be suspended or
13 reduced by the court.

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

26 (e-1) Any person who is found guilty of or pleads guilty to

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

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

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

19 (h) (Blank).

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

1 (j) In addition to any other penalties and liabilities, a
2 person who is found guilty of or pleads guilty to violating
3 subsection (a), including any person placed on court
4 supervision for violating subsection (a), shall be fined \$500,
5 payable to the circuit clerk, who shall distribute the money as
6 follows: 20% to the law enforcement agency that made the arrest
7 and 80% shall be forwarded to the State Treasurer for deposit
8 into the General Revenue Fund. If the person has been
9 previously convicted of violating subsection (a) or a similar
10 provision of a local ordinance, the fine shall be \$1,000. In
11 the event that more than one agency is responsible for the
12 arrest, the amount payable to law enforcement agencies shall be
13 shared equally. Any moneys received by a law enforcement agency
14 under this subsection (j) shall be used for enforcement and
15 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 purchase of law enforcement equipment and
19 commodities that will assist in the prevention of alcohol
20 related 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. Equipment and commodities
26 shall include, but are not limited to, in-car video cameras,

1 radar and laser speed detection devices, and alcohol breath
2 testers. Any moneys received by the Department of State Police
3 under this subsection (j) shall be deposited into the State
4 Police DUI Fund and shall be used for enforcement and
5 prevention of driving while under the influence of alcohol,
6 other drug or drugs, intoxicating compound or compounds or any
7 combination thereof, as defined by this Section, including but
8 not limited to the purchase of law enforcement equipment and
9 commodities that will assist in the prevention of alcohol
10 related criminal violence throughout the State; police officer
11 training and education in areas related to alcohol related
12 crime, including but not limited to DUI training; and police
13 officer salaries, including but not limited to salaries for
14 hire back funding for safety checkpoints, saturation patrols,
15 and liquor store sting operations.

16 (k) The Secretary of State Police DUI Fund is created as a
17 special fund in the State treasury. All moneys received by the
18 Secretary of State Police under subsection (j) of this Section
19 shall be deposited into the Secretary of State Police DUI Fund
20 and, subject to appropriation, shall be used for enforcement
21 and prevention of driving while under the influence of alcohol,
22 other drug or drugs, intoxicating compound or compounds or any
23 combination thereof, as defined by this Section, including but
24 not limited to the purchase of law enforcement equipment and
25 commodities to assist in the prevention of alcohol related
26 criminal violence throughout the State; police officer

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

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

23 (m) In addition to any other fine or penalty required by
24 law, an individual convicted of a violation of subsection (a),
25 Section 5-7 of the Snowmobile Registration and Safety Act,
26 Section 5-16 of the Boat Registration and Safety Act, or a

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

14 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;
15 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;
16 93-840, eff. 7-30-04; 94-116, eff. 1-1-06; 94-963, eff.
17 6-28-06.)

18 (Text of Section from P.A. 94-329 and 94-963)

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

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

24 (1) the alcohol concentration in the person's blood or
25 breath is 0.08 or more, or the alcohol concentration is

1 0.06 or more if the person was previously once convicted of
2 violating this Section or a similar provision of a local
3 ordinance or a similar provision of a law of another state,
4 or the alcohol concentration is 0.05 or more if the person
5 was previously twice convicted of violating this Section or
6 a similar provision of a local ordinance or a similar
7 provision of a law of another state, or the alcohol
8 concentration is 0.04 or more if the person was previously
9 3 or more times convicted of violating this Section or a
10 similar provision of a local ordinance or a similar
11 provision of a law of another state, based on the
12 definition of blood and breath units in Section 11-501.2;

13 (2) under the influence of alcohol;

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

17 (4) under the influence of any other drug or
18 combination of drugs to a degree that renders the person
19 incapable of safely driving;

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

23 (6) there is any amount of a drug, substance, or
24 compound in the person's breath, blood, or urine resulting
25 from the unlawful use or consumption of cannabis listed in
26 the Cannabis Control Act, a controlled substance listed in

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

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

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

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

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

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

21 (b-3) In addition to any other criminal or administrative
22 sanction for any second conviction of violating subsection (a)
23 or a similar provision committed within 5 years of a previous
24 violation of subsection (a) or a similar provision, the
25 defendant shall be sentenced to a mandatory minimum of 5 days
26 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
19 aggravated driving under the influence of alcohol, other
20 drug or drugs, intoxicating compound or compounds, or any
21 combination thereof and is guilty of a Class 4 felony.

22 (2) A person who violates subsection (a) a third time,
23 if the third violation occurs during a period in which his
24 or her driving privileges are revoked or suspended where
25 the revocation or suspension was for a violation of
26 subsection (a), Section 11-501.1, paragraph (b) of Section

1 11-401, or for reckless homicide as defined in Section 9-3
2 of the Criminal Code of 1961, is guilty of aggravated
3 driving under the influence of alcohol, other drug or
4 drugs, intoxicating compound or compounds, or any
5 combination thereof and is guilty of a Class 3 felony.

6 (2.1) A person who violates subsection (a) a third
7 time, if the third violation occurs during a period in
8 which his or her driving privileges are revoked or
9 suspended where the revocation or suspension was for a
10 violation of subsection (a), Section 11-501.1, subsection
11 (b) of Section 11-401, or for reckless homicide as defined
12 in Section 9-3 of the Criminal Code of 1961, is guilty of
13 aggravated driving under the influence of alcohol, other
14 drug or drugs, intoxicating compound or compounds, or any
15 combination thereof and is guilty of a Class 3 felony; and
16 if the person receives a term of probation or conditional
17 discharge, he or she shall be required to serve a mandatory
18 minimum of 10 days of imprisonment or shall be assigned a
19 mandatory minimum of 480 hours of community service, as may
20 be determined by the court, as a condition of the probation
21 or conditional discharge. This mandatory minimum term of
22 imprisonment or assignment of community service shall not
23 be suspended or reduced by the court.

24 (2.2) A person who violates subsection (a), if the
25 violation occurs during a period in which his or her
26 driving privileges are revoked or suspended where the

1 revocation or suspension was for a violation of subsection
2 (a) or Section 11-501.1, is guilty of aggravated driving
3 under the influence of alcohol, other drug or drugs,
4 intoxicating compound or compounds, or any combination
5 thereof and shall also be sentenced to an additional
6 mandatory minimum term of 30 consecutive days of
7 imprisonment, 40 days of 24-hour periodic imprisonment, or
8 720 hours of community service, as may be determined by the
9 court. This mandatory term of imprisonment or assignment of
10 community service shall not be suspended or reduced by the
11 court.

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

24 (c-2) (Blank).

25 (c-3) (Blank).

26 (c-4) (Blank).

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

10 (c-6) Except as provided in subsections (c-7) and (c-8) a
11 person who violates subsection (a) a second time, if at the
12 time of the second violation the person was transporting a
13 person under the age of 16, is subject to an additional 10 days
14 of imprisonment, an additional mandatory minimum fine of
15 \$1,000, and an additional mandatory minimum 140 hours of
16 community service, which shall include 40 hours of community
17 service in a program benefiting children. The imprisonment or
18 assignment of community service under this subsection (c-6) is
19 not subject to suspension, nor is the person eligible for a
20 reduced sentence.

21 (c-7) Except as provided in subsection (c-8), any person
22 convicted of violating subsection (c-6) or a similar provision
23 within 10 years of a previous violation of subsection (a) or a
24 similar provision shall receive, in addition to any other
25 penalty imposed, a mandatory minimum 12 days imprisonment, an
26 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)

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

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

22 (c-12) Any person convicted of a first violation of
23 subsection (a) or a similar provision, if the alcohol
24 concentration in his or her blood, breath, or urine was 0.16 or
25 more based on the definition of blood, breath, or urine units
26 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 subsequent

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

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

18 (A) the person committed a violation of subsection
19 (a) or a similar provision for the third or subsequent
20 time;

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

24 (C) the person in committing a violation of
25 subsection (a) was involved in a motor vehicle accident
26 that resulted in great bodily harm or permanent

1 disability or disfigurement to another, when the
2 violation was a proximate cause of the injuries;

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

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

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

1 cause of the death;

2 (G) the person committed the violation while he or
3 she did not possess a driver's license or permit or a
4 restricted driving permit or a judicial driving
5 permit; or

6 (H) the person committed the violation while he or
7 she knew or should have known that the vehicle he or
8 she was driving was not covered by a liability
9 insurance policy.

10 (2) Except as provided in this paragraph (2) and in
11 paragraphs (2), (2.1), and (3) of subsection (c-1), a
12 person convicted of aggravated driving under the influence
13 of alcohol, other drug or drugs, or intoxicating compound
14 or compounds, or any combination thereof is guilty of a
15 Class 4 felony. For a violation of subparagraph (C) of
16 paragraph (1) of this subsection (d), the defendant, if
17 sentenced to a term of imprisonment, shall be sentenced to
18 not less than one year nor more than 12 years. Aggravated
19 driving under the influence of alcohol, other drug or
20 drugs, or intoxicating compound or compounds, or any
21 combination thereof as defined in subparagraph (F) of
22 paragraph (1) of this subsection (d) is a Class 2 felony,
23 for which the defendant, if sentenced to a term of
24 imprisonment, shall be sentenced to: (A) a term of
25 imprisonment of not less than 3 years and not more than 14
26 years if the violation resulted in the death of one person;

1 or (B) a term of imprisonment of not less than 6 years and
2 not more than 28 years if the violation resulted in the
3 deaths of 2 or more persons. For any prosecution under this
4 subsection (d), a certified copy of the driving abstract of
5 the defendant shall be admitted as proof of any prior
6 conviction. Any person sentenced under this subsection (d)
7 who receives a term of probation or conditional discharge
8 must serve a minimum term of either 480 hours of community
9 service or 10 days of imprisonment as a condition of the
10 probation or conditional discharge. This mandatory minimum
11 term of imprisonment or assignment of community service may
12 not be suspended or reduced by the court.

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

25 (e-1) Any person who is found guilty of or pleads guilty to
26 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

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 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 shall include, but are not limited to, in-car video cameras,
26 radar and laser speed detection devices, and alcohol breath

1 testers. Any moneys received by the Department of State Police
2 under this subsection (j) shall be deposited into the State
3 Police DUI Fund and 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 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.

15 (k) The Secretary of State Police DUI Fund is created as a
16 special fund in the State treasury. All moneys received by the
17 Secretary of State Police under subsection (j) of this Section
18 shall be deposited into the Secretary of State Police DUI Fund
19 and, subject to appropriation, shall be used for enforcement
20 and 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 purchase of law enforcement equipment and
24 commodities to assist in the prevention of alcohol related
25 criminal violence throughout the State; police officer
26 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 (l) Whenever an individual is sentenced for an offense
6 based upon an arrest for a violation of subsection (a) or a
7 similar provision of a local ordinance, and the professional
8 evaluation recommends remedial or rehabilitative treatment or
9 education, neither the treatment nor the education shall be the
10 sole disposition and either or both may be imposed only in
11 conjunction with another disposition. The court shall monitor
12 compliance with any remedial education or treatment
13 recommendations contained in the professional evaluation.
14 Programs conducting alcohol or other drug evaluation or
15 remedial education must be licensed by the Department of Human
16 Services. If the individual is not a resident of Illinois,
17 however, the court may accept an alcohol or other drug
18 evaluation or remedial education program in the individual's
19 state of residence. Programs providing treatment must be
20 licensed under existing applicable alcoholism and drug
21 treatment licensure standards.

22 (m) In addition to any other fine or penalty required by
23 law, an individual convicted of a violation of subsection (a),
24 Section 5-7 of the Snowmobile Registration and Safety Act,
25 Section 5-16 of the Boat Registration and Safety Act, or a
26 similar provision, whose operation of a motor vehicle,

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

13 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;
14 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;
15 93-840, eff. 7-30-04; 94-329, eff. 1-1-06; 94-963, eff.
16 6-28-06.)

17 (625 ILCS 5/11-501.1) (from Ch. 95 1/2, par. 11-501.1)

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

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

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

1 Uniform Traffic Ticket with the Circuit Clerk of the county
2 where the offense was committed, and shall seek the issuance of
3 an arrest warrant or a summons for the person.

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

10 (c) A person requested to submit to a test as provided
11 above shall be warned by the law enforcement officer requesting
12 the test that a refusal to submit to the test will result in
13 the statutory summary suspension of the person's privilege to
14 operate a motor vehicle as provided in Section 6-208.1 of this
15 Code. The person shall also be warned by the law enforcement
16 officer that if the person submits to the test or tests
17 provided in paragraph (a) of this Section and the alcohol
18 concentration in the person's blood or breath is 0.08 or
19 greater, or the alcohol concentration is 0.06 or greater if the
20 person was previously once convicted of violating Section
21 11-501 of this Code or a similar provision of a local ordinance
22 or a similar provision of a law of another state, or the
23 alcohol concentration is 0.05 or greater if the person was
24 previously twice convicted of violating Section 11-501 of this
25 Code or a similar provision of a local ordinance or a similar
26 provision of a law of another state, or the alcohol

1 concentration is 0.04 or greater if the person was previously 3
2 or more times convicted of violating Section 11-501 of this
3 Code or a similar provision of a local ordinance or a similar
4 provision of a law of another state, or any amount of a drug,
5 substance, or compound resulting from the unlawful use or
6 consumption of cannabis as covered by the Cannabis Control Act,
7 a controlled substance listed in the Illinois Controlled
8 Substances Act, or an intoxicating compound listed in the Use
9 of Intoxicating Compounds Act is detected in the person's blood
10 or urine, a statutory summary suspension of the person's
11 privilege to operate a motor vehicle, as provided in Sections
12 6-208.1 and 11-501.1 of this Code, will be imposed.

13 A person who is under the age of 21 at the time the person
14 is requested to submit to a test as provided above shall, in
15 addition to the warnings provided for in this Section, be
16 further warned by the law enforcement officer requesting the
17 test that if the person submits to the test or tests provided
18 in paragraph (a) of this Section and the alcohol concentration
19 in the person's blood or breath is greater than 0.00 and less
20 than 0.08, a suspension of the person's privilege to operate a
21 motor vehicle, as provided under Sections 6-208.2 and 11-501.8
22 of this Code, will be imposed. The results of this test shall
23 be admissible in a civil or criminal action or proceeding
24 arising from an arrest for an offense as defined in Section
25 11-501 of this Code or a similar provision of a local ordinance
26 or pursuant to Section 11-501.4 in prosecutions for reckless

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

5 (d) If the person refuses testing or submits to a test that
6 discloses an alcohol concentration of 0.08 or more, or an
7 alcohol concentration of 0.06 or more if the person was
8 previously once convicted of violating Section 11-501 of this
9 Code or a similar provision of a local ordinance or a similar
10 provision of a law of another state, or an alcohol
11 concentration of 0.05 or more if the person was previously
12 twice convicted of violating Section 11-501 of this Code or a
13 similar provision of a local ordinance or a similar provision
14 of a law of another state, or an alcohol concentration of 0.04
15 or more if the person was previously 3 or more times convicted
16 of violating Section 11-501 of this Code or a similar provision
17 of a local ordinance or a similar provision of a law of another
18 state, or any amount of a drug, substance, or intoxicating
19 compound in the person's breath, blood, or urine resulting from
20 the unlawful use or consumption of cannabis listed in the
21 Cannabis Control Act, a controlled substance listed in the
22 Illinois Controlled Substances Act, or an intoxicating
23 compound listed in the Use of Intoxicating Compounds Act, the
24 law enforcement officer shall immediately submit a sworn report
25 to the circuit court of venue and the Secretary of State,
26 certifying that the test or tests was or were requested under

1 paragraph (a) and the person refused to submit to a test, or
2 tests, or submitted to testing that disclosed an alcohol
3 concentration of 0.08 or more, or an alcohol concentration of
4 0.06 or more if the person was previously once convicted of
5 violating Section 11-501 of this Code or a similar provision of
6 a local ordinance or a similar provision of a law of another
7 state, or an alcohol concentration of 0.05 or more if the
8 person was previously twice convicted of violating Section
9 11-501 of this Code or a similar provision of a local ordinance
10 or a similar provision of a law of another state, or an alcohol
11 concentration of 0.04 or more if the person was previously 3 or
12 more times convicted of violating Section 11-501 of this Code
13 or a similar provision of a local ordinance or a similar
14 provision of a law of another state.

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

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

1 prosecuting authorities or the Secretary of State.

2 (f) The law enforcement officer submitting the sworn report
3 under paragraph (d) shall serve immediate notice of the
4 statutory summary suspension on the person and the suspension
5 shall be effective as provided in paragraph (g). In cases where
6 the blood alcohol concentration of 0.08 or greater, or the
7 blood alcohol concentration of 0.06 or greater if the person
8 was previously once convicted of violating Section 11-501 of
9 this Code or a similar provision of a local ordinance or a
10 similar provision of a law of another state, or the blood
11 alcohol concentration of 0.05 or greater if the person was
12 previously twice convicted of violating Section 11-501 of this
13 Code or a similar provision of a local ordinance or a similar
14 provision of a law of another state, or the blood alcohol
15 concentration of 0.04 or greater if the person was previously 3
16 or more times convicted of violating Section 11-501 of this
17 Code or a similar provision of a local ordinance or a similar
18 provision of a law of another state, or any amount of a drug,
19 substance, or compound resulting from the unlawful use or
20 consumption of cannabis as covered by the Cannabis Control Act,
21 a controlled substance listed in the Illinois Controlled
22 Substances Act, or an intoxicating compound listed in the Use
23 of Intoxicating Compounds Act is established by a subsequent
24 analysis of blood or urine collected at the time of arrest, the
25 arresting officer or arresting agency shall give notice as
26 provided in this Section or by deposit in the United States

1 mail of the notice in an envelope with postage prepaid and
2 addressed to the person at his address as shown on the Uniform
3 Traffic Ticket and the statutory summary suspension shall begin
4 as provided in paragraph (g). The officer shall confiscate any
5 Illinois driver's license or permit on the person at the time
6 of arrest. If the person has a valid driver's license or
7 permit, the officer shall issue the person a receipt, in a form
8 prescribed by the Secretary of State, that will allow that
9 person to drive during the periods provided for in paragraph
10 (g). The officer shall immediately forward the driver's license
11 or permit to the circuit court of venue along with the sworn
12 report provided for in paragraph (d).

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

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

20 Upon receipt of the sworn report from the law enforcement
21 officer, the Secretary of State shall confirm the statutory
22 summary suspension by mailing a notice of the effective date of
23 the suspension to the person and the court of venue. However,
24 should the sworn report be defective by not containing
25 sufficient information or be completed in error, the
26 confirmation of the statutory summary suspension shall not be

1 mailed to the person or entered to the record; instead, the
2 sworn report shall be forwarded to the court of venue with a
3 copy returned to the issuing agency identifying any defect.

4 (Source: P.A. 94-115, eff. 1-1-06.)

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

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

7 (a) Upon the trial of any civil or criminal action or
8 proceeding arising out of an arrest for an offense as defined
9 in Section 11-501 or a similar local ordinance or proceedings
10 pursuant to Section 2-118.1, evidence of the concentration of
11 alcohol, other drug or drugs, or intoxicating compound or
12 compounds, or any combination thereof in a person's blood or
13 breath at the time alleged, as determined by analysis of the
14 person's blood, urine, breath or other bodily substance, shall
15 be admissible. Where such test is made the following provisions
16 shall apply:

17 1. Chemical analyses of the person's blood, urine,
18 breath or other bodily substance to be considered valid
19 under the provisions of this Section shall have been
20 performed according to standards promulgated by the
21 Department of State Police by a licensed physician,
22 registered nurse, trained phlebotomist acting under the
23 direction of a licensed physician, certified paramedic, or
24 other individual possessing a valid permit issued by that
25 Department for this purpose. The Director of State Police

1 is authorized to approve satisfactory techniques or
2 methods, to ascertain the qualifications and competence of
3 individuals to conduct such analyses, to issue permits
4 which shall be subject to termination or revocation at the
5 discretion of that Department and to certify the accuracy
6 of breath testing equipment. The Department of State Police
7 shall prescribe regulations as necessary to implement this
8 Section.

9 2. When a person in this State shall submit to a blood
10 test at the request of a law enforcement officer under the
11 provisions of Section 11-501.1, only a physician
12 authorized to practice medicine, a registered nurse,
13 trained phlebotomist, or certified paramedic, or other
14 qualified person approved by the Department of State Police
15 may withdraw blood for the purpose of determining the
16 alcohol, drug, or alcohol and drug content therein. This
17 limitation shall not apply to the taking of breath or urine
18 specimens.

19 When a blood test of a person who has been taken to an
20 adjoining state for medical treatment is requested by an
21 Illinois law enforcement officer, the blood may be
22 withdrawn only by a physician authorized to practice
23 medicine in the adjoining state, a registered nurse, a
24 trained phlebotomist acting under the direction of the
25 physician, or certified paramedic. The law enforcement
26 officer requesting the test shall take custody of the blood

1 sample, and the blood sample shall be analyzed by a
2 laboratory certified by the Department of State Police for
3 that purpose.

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

13 4. Upon the request of the person who shall submit to a
14 chemical test or tests at the request of a law enforcement
15 officer, full information concerning the test or tests
16 shall be made available to the person or such person's
17 attorney.

18 5. Alcohol concentration shall mean either grams of
19 alcohol per 100 milliliters of blood or grams of alcohol
20 per 210 liters of breath.

21 (b) Upon the trial of any civil or criminal action or
22 proceeding arising out of acts alleged to have been committed
23 by any person while driving or in actual physical control of a
24 vehicle while under the influence of alcohol, the concentration
25 of alcohol in the person's blood or breath at the time alleged
26 as shown by analysis of the person's blood, urine, breath, or

1 other bodily substance shall give rise to the following
2 presumptions:

3 1. If there was at that time an alcohol concentration
4 of 0.05 or less, unless the person was previously 2 or more
5 times convicted of violating Section 11-501 of this Code or
6 a similar provision of a local ordinance or a similar
7 provision of a law of another state, it shall be presumed
8 that the person was not under the influence of alcohol.

9 2. If there was at that time an alcohol concentration
10 in excess of 0.05 but less than 0.08, or an alcohol
11 concentration in excess of 0.05 but less than 0.06 if the
12 person was previously once convicted of violating Section
13 11-501 of this Code or a similar provision of a local
14 ordinance or a similar provision of a law of another state,
15 such facts shall not give rise to any presumption that the
16 person was or was not under the influence of alcohol,
17 unless the person was previously 2 or more times convicted
18 of violating Section 11-501 of this Code or a similar
19 provision of a local ordinance or a similar provision of a
20 law of another state, but such fact may be considered with
21 other competent evidence in determining whether the person
22 was under the influence of alcohol.

23 3. If there was at that time an alcohol concentration
24 of 0.08 or more, or an alcohol concentration of 0.06 or
25 more if the person was previously once convicted of
26 violating Section 11-501 of this Code or a similar

1 provision of a local ordinance or a similar provision of a
2 law of another state, or an alcohol concentration of 0.05
3 or more if the person was previously twice convicted of
4 violating Section 11-501 of this Code or a similar
5 provision of a local ordinance or a similar provision of a
6 law of another state, or an alcohol concentration of 0.04
7 or more if the person was previously 3 or more times
8 convicted of violating Section 11-501 of this Code or a
9 similar provision of a local ordinance or a similar
10 provision of a law of another state, it shall be presumed
11 that the person was under the influence of alcohol.

12 4. The foregoing provisions of this Section shall not
13 be construed as limiting the introduction of any other
14 relevant evidence bearing upon the question whether the
15 person was under the influence of alcohol.

16 (c) 1. If a person under arrest refuses to submit to a
17 chemical test under the provisions of Section 11-501.1,
18 evidence of refusal shall be admissible in any civil or
19 criminal action or proceeding arising out of acts alleged
20 to have been committed while the person under the influence
21 of alcohol, other drug or drugs, or intoxicating compound
22 or compounds, or any combination thereof was driving or in
23 actual physical control of a motor vehicle.

24 2. Notwithstanding any ability to refuse under this
25 Code to submit to these tests or any ability to revoke the

1 implied consent to these tests, if a law enforcement
2 officer has probable cause to believe that a motor vehicle
3 driven by or in actual physical control of a person under
4 the influence of alcohol, other drug or drugs, or
5 intoxicating compound or compounds, or any combination
6 thereof has caused the death or personal injury to another,
7 that person shall submit, upon the request of a law
8 enforcement officer, to a chemical test or tests of his or
9 her blood, breath or urine for the purpose of determining
10 the alcohol content thereof or the presence of any other
11 drug or combination of both.

12 This provision does not affect the applicability of or
13 imposition of driver's license sanctions under Section
14 11-501.1 of this Code.

15 3. For purposes of this Section, a personal injury
16 includes any Type A injury as indicated on the traffic
17 accident report completed by a law enforcement officer that
18 requires immediate professional attention in either a
19 doctor's office or a medical facility. A Type A injury
20 includes severe bleeding wounds, distorted extremities,
21 and injuries that require the injured party to be carried
22 from the scene.

23 (Source: P.A. 90-43, eff. 7-2-97; 90-779, eff. 1-1-99; 91-828,
24 eff. 1-1-01.)

25 (625 ILCS 5/11-501.6) (from Ch. 95 1/2, par. 11-501.6)

1 Sec. 11-501.6. Driver involvement in personal injury or
2 fatal motor vehicle accident - chemical test.

3 (a) Any person who drives or is in actual control of a
4 motor vehicle upon the public highways of this State and who
5 has been involved in a personal injury or fatal motor vehicle
6 accident, shall be deemed to have given consent to a breath
7 test using a portable device as approved by the Department of
8 State Police or to a chemical test or tests of blood, breath,
9 or urine for the purpose of determining the content of alcohol,
10 other drug or drugs, or intoxicating compound or compounds of
11 such person's blood if arrested as evidenced by the issuance of
12 a Uniform Traffic Ticket for any violation of the Illinois
13 Vehicle Code or a similar provision of a local ordinance, with
14 the exception of equipment violations contained in Chapter 12
15 of this Code, or similar provisions of local ordinances. The
16 test or tests shall be administered at the direction of the
17 arresting officer. The law enforcement agency employing the
18 officer shall designate which of the aforesaid tests shall be
19 administered. A urine test may be administered even after a
20 blood or breath test or both has been administered. Compliance
21 with this Section does not relieve such person from the
22 requirements of Section 11-501.1 of this Code.

23 (b) Any person who is dead, unconscious or who is otherwise
24 in a condition rendering such person incapable of refusal shall
25 be deemed not to have withdrawn the consent provided by
26 subsection (a) of this Section. In addition, if a driver of a

1 vehicle is receiving medical treatment as a result of a motor
2 vehicle accident, any physician licensed to practice medicine,
3 registered nurse or a phlebotomist acting under the direction
4 of a licensed physician shall withdraw blood for testing
5 purposes to ascertain the presence of alcohol, other drug or
6 drugs, or intoxicating compound or compounds, upon the specific
7 request of a law enforcement officer. However, no such testing
8 shall be performed until, in the opinion of the medical
9 personnel on scene, the withdrawal can be made without
10 interfering with or endangering the well-being of the patient.

11 (c) A person requested to submit to a test as provided
12 above shall be warned by the law enforcement officer requesting
13 the test that a refusal to submit to the test, or submission to
14 the test resulting in an alcohol concentration of 0.08 or more,
15 or an alcohol concentration of 0.06 or more if the person was
16 previously once convicted of violating Section 11-501 of this
17 Code or a similar provision of a local ordinance or a similar
18 provision of a law of another state, or an alcohol
19 concentration of 0.05 or more if the person was previously
20 twice convicted of violating Section 11-501 of this Code or a
21 similar provision of a local ordinance or a similar provision
22 of a law of another state, or an alcohol concentration of 0.04
23 or more if the person was previously 3 or more times convicted
24 of violating Section 11-501 of this Code or a similar provision
25 of a local ordinance or a similar provision of a law of another
26 state, or any amount of a drug, substance, or intoxicating

1 compound resulting from the unlawful use or consumption of
2 cannabis, as covered by the Cannabis Control Act, a controlled
3 substance listed in the Illinois Controlled Substances Act, or
4 an intoxicating compound listed in the Use of Intoxicating
5 Compounds Act as detected in such person's blood or urine, may
6 result in the suspension of such person's privilege to operate
7 a motor vehicle. The length of the suspension shall be the same
8 as outlined in Section 6-208.1 of this Code regarding statutory
9 summary suspensions.

10 (d) If the person refuses testing or submits to a test
11 which discloses an alcohol concentration of 0.08 or more, or an
12 alcohol concentration of 0.06 or more if the person was
13 previously once convicted of violating Section 11-501 of this
14 Code or a similar provision of a local ordinance or a similar
15 provision of a law of another state, or an alcohol
16 concentration of 0.05 or more if the person was previously
17 twice convicted of violating Section 11-501 of this Code or a
18 similar provision of a local ordinance or a similar provision
19 of a law of another state, or an alcohol concentration of 0.04
20 or more if the person was previously 3 or more times convicted
21 of violating Section 11-501 of this Code or a similar provision
22 of a local ordinance or a similar provision of a law of another
23 state, or any amount of a drug, substance, or intoxicating
24 compound in such person's blood or urine resulting from the
25 unlawful use or consumption of cannabis listed in the Cannabis
26 Control Act, a controlled substance listed in the Illinois

1 Controlled Substances Act, or an intoxicating compound listed
2 in the Use of Intoxicating Compounds Act, the law enforcement
3 officer shall immediately submit a sworn report to the
4 Secretary of State on a form prescribed by the Secretary,
5 certifying that the test or tests were requested pursuant to
6 subsection (a) and the person refused to submit to a test or
7 tests or submitted to testing which disclosed an alcohol
8 concentration of 0.08 or more, or an alcohol concentration of
9 0.06 or more if the person was previously once convicted of
10 violating Section 11-501 of this Code or a similar provision of
11 a local ordinance or a similar provision of a law of another
12 state, or an alcohol concentration of 0.05 or more if the
13 person was previously twice convicted of violating Section
14 11-501 of this Code or a similar provision of a local ordinance
15 or a similar provision of a law of another state, or an alcohol
16 concentration of 0.04 or more if the person was previously 3 or
17 more times convicted of violating Section 11-501 of this Code
18 or a similar provision of a local ordinance or a similar
19 provision of a law of another state, or any amount of a drug,
20 substance, or intoxicating compound in such person's blood or
21 urine, resulting from the unlawful use or consumption of
22 cannabis listed in the Cannabis Control Act, a controlled
23 substance listed in the Illinois Controlled Substances Act, or
24 an intoxicating compound listed in the Use of Intoxicating
25 Compounds Act.

26 Upon receipt of the sworn report of a law enforcement

1 officer, the Secretary shall enter the suspension to the
2 individual's driving record and the suspension shall be
3 effective on the 46th day following the date notice of the
4 suspension was given to the person.

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

9 In cases where the blood alcohol concentration of 0.08 or
10 more, or the blood alcohol concentration of 0.06 or more if the
11 person was previously once convicted of violating Section
12 11-501 of this Code or a similar provision of a local ordinance
13 or a similar provision of a law of another state, or the blood
14 alcohol concentration of 0.05 or more if the person was
15 previously twice convicted of violating Section 11-501 of this
16 Code or a similar provision of a local ordinance or a similar
17 provision of a law of another state, or the blood alcohol
18 concentration of 0.04 or more if the person was previously 3 or
19 more times convicted of violating Section 11-501 of this Code
20 or a similar provision of a local ordinance or a similar
21 provision of a law of another state, or any amount of a drug,
22 substance, or intoxicating compound resulting from the
23 unlawful use or consumption of cannabis as listed in the
24 Cannabis Control Act, a controlled substance listed in the
25 Illinois Controlled Substances Act, or an intoxicating
26 compound listed in the Use of Intoxicating Compounds Act, is

1 established by a subsequent analysis of blood or urine
2 collected at the time of arrest, the arresting officer shall
3 give notice as provided in this Section or by deposit in the
4 United States mail of such notice in an envelope with postage
5 prepaid and addressed to such person at his address as shown on
6 the Uniform Traffic Ticket and the suspension shall be
7 effective on the 46th day following the date notice was given.

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

17 (e) A driver may contest this suspension of his driving
18 privileges by requesting an administrative hearing with the
19 Secretary in accordance with Section 2-118 of this Code. At the
20 conclusion of a hearing held under Section 2-118 of this Code,
21 the Secretary may rescind, continue, or modify the order of
22 suspension. If the Secretary does not rescind the order, a
23 restricted driving permit may be granted by the Secretary upon
24 application being made and good cause shown. A restricted
25 driving permit may be granted to relieve undue hardship to
26 allow driving for employment, educational, and medical

1 purposes as outlined in Section 6-206 of this Code. The
2 provisions of Section 6-206 of this Code shall apply.

3 (f) (Blank).

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

11 (Source: P.A. 90-43, eff. 7-2-97; 90-779, eff. 1-1-99; 91-357,
12 eff. 7-29-99; 91-828, eff. 1-1-01.)