



Drivers Education Safety Committee

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09500SB0300ham001

LRB095 04864 DRH 36352 a

1 AMENDMENT TO SENATE BILL 300

2 AMENDMENT NO. _____. Amend Senate Bill 300 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The State Finance Act is amended by adding
5 Sections 5.675 and 5.676 as follows:

6 (30 ILCS 105/5.675 new)

7 Sec. 5.675. The Indigent BAIID Fund.

8 (30 ILCS 105/5.676 new)

9 Sec. 5.676. The Monitoring Device Driving Permit
10 Administration Fee Fund.

11 Section 10. The Illinois Vehicle Code is amended by
12 changing Sections 6-206, 6-206.1, 6-208.1, 6-303, and 11-501
13 and by adding Section 1-144.5 as follows:

1 (625 ILCS 5/1-144.5 new)

2 Sec. 1-144.5. Monitoring device driving permit. A permit
3 that allows a person whose driver's license has been summarily
4 suspended under Section 11-501.1 to drive a vehicle, for the
5 applicable period described in Section 6-206.1, if the vehicle
6 is equipped with an ignition interlock device as defined in
7 Section 1-129.1.

8 (625 ILCS 5/6-206) (from Ch. 95 1/2, par. 6-206)

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

11 (a) The Secretary of State is authorized to suspend or
12 revoke the driving privileges of any person without preliminary
13 hearing upon a showing of the person's records or other
14 sufficient evidence that the person:

15 1. Has committed an offense for which mandatory
16 revocation of a driver's license or permit is required upon
17 conviction;

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

23 3. Has been repeatedly involved as a driver in motor
24 vehicle collisions or has been repeatedly convicted of
25 offenses against laws and ordinances regulating the

1 movement of traffic, to a degree that indicates lack of
2 ability to exercise ordinary and reasonable care in the
3 safe operation of a motor vehicle or disrespect for the
4 traffic laws and the safety of other persons upon the
5 highway;

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

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

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

23 7. Has refused or failed to submit to an examination
24 provided for by Section 6-207 or has failed to pass the
25 examination;

26 8. Is ineligible for a driver's license or permit under

1 the provisions of Section 6-103;

2 9. Has made a false statement or knowingly concealed a
3 material fact or has used false information or
4 identification in any application for a license,
5 identification card, or permit;

6 10. Has possessed, displayed, or attempted to
7 fraudulently use any license, identification card, or
8 permit not issued to the person;

9 11. Has operated a motor vehicle upon a highway of this
10 State when the person's driving privilege or privilege to
11 obtain a driver's license or permit was revoked or
12 suspended unless the operation was authorized by a
13 monitoring device driving permit, judicial driving permit
14 issued prior to the effective date of this amendatory Act
15 of the 95th General Assembly, probationary license to
16 drive, or a restricted driving permit issued under this
17 Code;

18 12. Has submitted to any portion of the application
19 process for another person or has obtained the services of
20 another person to submit to any portion of the application
21 process for the purpose of obtaining a license,
22 identification card, or permit for some other person;

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

26 14. Has committed a violation of Section 6-301,

1 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B
2 of the Illinois Identification Card Act;

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

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

9 17. Has refused to submit to a test, or tests, as
10 required under Section 11-501.1 of this Code and the person
11 has not sought a hearing as provided for in Section
12 11-501.1;

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

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

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

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

25 22. Has used a motor vehicle in violating paragraph
26 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of

1 the Criminal Code of 1961 relating to unlawful use of
2 weapons, in which case the suspension shall be for one
3 year;

4 23. Has, as a driver, been convicted of committing a
5 violation of paragraph (a) of Section 11-502 of this Code
6 for a second or subsequent time within one year of a
7 similar violation;

8 24. Has been convicted by a court-martial or punished
9 by non-judicial punishment by military authorities of the
10 United States at a military installation in Illinois of or
11 for a traffic related offense that is the same as or
12 similar to an offense specified under Section 6-205 or
13 6-206 of this Code;

14 25. Has permitted any form of identification to be used
15 by another in the application process in order to obtain or
16 attempt to obtain a license, identification card, or
17 permit;

18 26. Has altered or attempted to alter a license or has
19 possessed an altered license, identification card, or
20 permit;

21 27. Has violated Section 6-16 of the Liquor Control Act
22 of 1934;

23 28. Has been convicted of the illegal possession, while
24 operating or in actual physical control, as a driver, of a
25 motor vehicle, of any controlled substance prohibited
26 under the Illinois Controlled Substances Act, any cannabis

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

20 29. Has been convicted of the following offenses that
21 were committed while the person was operating or in actual
22 physical control, as a driver, of a motor vehicle: criminal
23 sexual assault, predatory criminal sexual assault of a
24 child, aggravated criminal sexual assault, criminal sexual
25 abuse, aggravated criminal sexual abuse, juvenile pimping,
26 soliciting for a juvenile prostitute and the manufacture,

1 sale or delivery of controlled substances or instruments
2 used for illegal drug use or abuse in which case the
3 driver's driving privileges shall be suspended for one
4 year;

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

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

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

24 33. Has as a driver, who was less than 21 years of age
25 on the date of the offense, been convicted a first time of
26 a violation of paragraph (a) of Section 11-502 of this Code

1 or a similar provision of a local ordinance;

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

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

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

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

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

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

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

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

25 42. Has committed a violation of subsection (a-1) of
26 Section 11-1301.3 of this Code.

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

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

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

23 2. If the Secretary of State suspends the driver's
24 license of a person under subsection 2 of paragraph (a) of
25 this Section, a person's privilege to operate a vehicle as
26 an occupation shall not be suspended, provided an affidavit

1 is properly completed, the appropriate fee received, and a
2 permit issued prior to the effective date of the
3 suspension, unless 5 offenses were committed, at least 2 of
4 which occurred while operating a commercial vehicle in
5 connection with the driver's regular occupation. All other
6 driving privileges shall be suspended by the Secretary of
7 State. Any driver prior to operating a vehicle for
8 occupational purposes only must submit the affidavit on
9 forms to be provided by the Secretary of State setting
10 forth the facts of the person's occupation. The affidavit
11 shall also state the number of offenses committed while
12 operating a vehicle in connection with the driver's regular
13 occupation. The affidavit shall be accompanied by the
14 driver's license. Upon receipt of a properly completed
15 affidavit, the Secretary of State shall issue the driver a
16 permit to operate a vehicle in connection with the driver's
17 regular occupation only. Unless the permit is issued by the
18 Secretary of State prior to the date of suspension, the
19 privilege to drive any motor vehicle shall be suspended as
20 set forth in the notice that was mailed under this Section.
21 If an affidavit is received subsequent to the effective
22 date of this suspension, a permit may be issued for the
23 remainder of the suspension period.

24 The provisions of this subparagraph shall not apply to
25 any driver required to possess a CDL for the purpose of
26 operating a commercial motor vehicle.

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

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

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

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

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

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

1 permit holder does not successfully complete the program.

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

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

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

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

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

23 (625 ILCS 5/6-206.1) (from Ch. 95 1/2, par. 6-206.1)

24 Sec. 6-206.1. Monitoring Device Driving ~~Judicial Driving~~
25 Permit. Declaration of Policy. It is hereby declared a policy

1 of the State of Illinois that the driver who is impaired by
2 alcohol, other drug or drugs, or intoxicating compound or
3 compounds is a threat to the public safety and welfare.
4 Therefore, to provide a deterrent to such practice and to
5 remove problem drivers from the highway, a statutory summary
6 driver's license suspension is appropriate. It is also
7 recognized that driving is a privilege and therefore, that ~~in~~
8 ~~some cases~~ the granting of ~~limited~~ driving privileges, in a
9 manner where consistent with public safety, is warranted during
10 the period of suspension in the form of a monitoring device
11 driving permit. A person who drives and fails to comply with
12 the requirements of the monitoring device driving permit
13 commits a violation of Section 6-303 of this Code judicial
14 ~~driving permit to drive for the purpose of employment,~~
15 ~~receiving drug treatment or medical care, and educational~~
16 ~~pursuits, where no alternative means of transportation is~~
17 ~~available.~~

18 The following procedures shall apply whenever a first
19 offender is arrested for any offense as defined in Section
20 11-501 or a similar provision of a local ordinance:

21 (a) Subsequent to a notification of a statutory summary
22 suspension of driving privileges as provided in Section
23 11-501.1, the court, after informing the first offender, as
24 defined in Section 11-500, of his or her right to a monitoring
25 device driving permit, hereinafter referred to as a MDDP, and
26 of the obligations of the MDDP, shall enter an order directing

1 the Secretary of State to issue a MDDP to the offender, unless
2 the offender has opted, in writing, not to have a MDDP issued.
3 However, the court shall not enter the order directing the
4 Secretary of State to issue the MDDP, if the court finds:

5 (1) The offender's driver's license is otherwise
6 valid;

7 (2) No death or great bodily harm resulted from the
8 arrest for Section 11-501;

9 (3) That the offender has not been previously convicted
10 of reckless homicide; and

11 (4) That the offender is not less than 18 years of age.

12 Any court order for a MDDP shall order the person to pay the
13 Secretary of State a MDDP Administration Fee an amount not to
14 exceed \$30 per month. The Secretary shall establish by rule the
15 amount and the procedures, terms, and conditions relating to
16 these fees. The order shall further specify that the offender
17 must have an ignition interlock device installed within 14 days
18 of the date the Secretary issues the MDDP, and shall specify
19 the vehicle in which the device is to be installed. The
20 ignition interlock device provider must notify the Secretary,
21 in a manner and form prescribed by the Secretary, of the
22 installation. If the Secretary does not receive notice of
23 installation, the Secretary shall cancel the MDDP.

24 ~~the first offender as defined in Section 11-500 may petition~~
25 ~~the circuit court of venue for a Judicial Driving Permit,~~
26 ~~hereinafter referred as a JDP, to relieve undue hardship. The~~

1 ~~court may issue a court order, pursuant to the criteria~~
2 ~~contained in this Section, directing the Secretary of State to~~
3 ~~issue such a JDP to the petitioner.~~ A MDDP ~~JDP~~ shall not become
4 effective prior to the 31st day of the original statutory
5 summary suspension, ~~and shall always be subject to the~~
6 ~~following criteria:~~

7 (a-1) A person issued a MDDP may drive for any purpose and
8 at any time, subject to the rules adopted by the Secretary of
9 State under subsection (g). The person must, at his or her own
10 expense, drive only vehicles equipped with an ignition
11 interlock device as defined in Section 1-129.1, but in no event
12 shall such person drive a commercial motor vehicle.

13 (a-2) Persons who are issued a MDDP and must drive
14 employer-owned vehicles in the course of their employment
15 duties may seek permission from the court to drive an
16 employer-owned vehicle that does not have an ignition interlock
17 device. The employee shall provide to the court a form,
18 prescribed by the Secretary of State, completed by the employer
19 verifying that the employee must drive an employer-owned
20 vehicle in the course of employment. If approved by the court,
21 the form must be file stamped and must be in the driver's
22 possession while operating an employer-owner vehicle not
23 equipped with an ignition interlock device. No person may use
24 this exemption to drive a school bus, school vehicle, or a
25 vehicle designed to transport more than 15 passengers. No
26 person may use this exemption to drive an employer-owned motor

1 vehicle that is owned by an entity that is wholly or partially
2 owned by the person holding the MDDP, or by an family member of
3 the person holding the MDDP. No person may use this exemption
4 to drive an employer-owned vehicle that is made available to
5 the employee for personal use. No person may drive the exempted
6 vehicle more than 12 hours per day, 6 days per week.

7 ~~1. If ordered for the purposes of employment, the JDP~~
8 ~~shall be only for the purpose of providing the petitioner~~
9 ~~the privilege of driving a motor vehicle between the~~
10 ~~petitioner's residence and the petitioner's place of~~
11 ~~employment and return; or within the scope of the~~
12 ~~petitioner's employment related duties, shall be effective~~
13 ~~only during and limited to those specific times and routes~~
14 ~~actually required to commute or perform the petitioner's~~
15 ~~employment related duties.~~

16 ~~2. The court, by a court order, may also direct the~~
17 ~~Secretary of State to issue a JDP to allow transportation~~
18 ~~for the petitioner, or a household member of the~~
19 ~~petitioner's family, to receive alcohol, drug, or~~
20 ~~intoxicating compound treatment or medical care, if the~~
21 ~~petitioner is able to demonstrate that no alternative means~~
22 ~~of transportation is reasonably available. Such JDP shall~~
23 ~~be effective only during the specific times actually~~
24 ~~required to commute.~~

25 ~~3. The court, by a court order, may also direct the~~
26 ~~Secretary of State to issue a JDP to allow transportation~~

1 ~~by the petitioner for educational purposes upon~~
2 ~~demonstrating that there are no alternative means of~~
3 ~~transportation reasonably available to accomplish those~~
4 ~~educational purposes. Such JDP shall be only for the~~
5 ~~purpose of providing transportation to and from the~~
6 ~~petitioner's residence and the petitioner's place of~~
7 ~~educational activity, and only during the specific times~~
8 ~~and routes actually required to commute or perform the~~
9 ~~petitioner's educational requirement.~~

10 ~~4. The Court shall not issue an order granting a JDP~~
11 ~~to:~~

12 ~~(i) Any person unless and until the court, after~~
13 ~~considering the results of a current professional~~
14 ~~evaluation of the person's alcohol or other drug use by~~
15 ~~an agency pursuant to Section 15 10 of the Alcoholism~~
16 ~~and Other Drug Abuse and Dependency Act and other~~
17 ~~appropriate investigation of the person, is satisfied~~
18 ~~that granting the privilege of driving a motor vehicle~~
19 ~~on the highways will not endanger the public safety or~~
20 ~~welfare.~~

21 ~~(ii) Any person who has been convicted of reckless~~
22 ~~homicide within the previous 5 years.~~

23 ~~(iii) Any person whose privilege to operate a motor~~
24 ~~vehicle was invalid at the time of arrest for the~~
25 ~~current violation of Section 11 501, or a similar~~
26 ~~provision of a local ordinance, except in cases where~~

1 ~~the cause for a driver's license suspension has been~~
2 ~~removed at the time a JDP is effective. In any case,~~
3 ~~should the Secretary of State enter a suspension or~~
4 ~~revocation of driving privileges pursuant to the~~
5 ~~provisions of this Code while the JDP is in effect or~~
6 ~~pending, the Secretary shall take the prescribed~~
7 ~~action and provide a notice to the person and the court~~
8 ~~ordering the issuance of the JDP that all driving~~
9 ~~privileges, including those provided by the issuance~~
10 ~~of the JDP, have been withdrawn.~~

11 ~~(iv) Any person under the age of 18 years.~~

12 ~~(v) Any person for the operation of a commercial~~
13 ~~motor vehicle if the person's driving privileges have~~
14 ~~been suspended under any provision of this Code in~~
15 ~~accordance with 49 C.F.R. Part 384.~~

16 (b) (Blank). ~~Prior to ordering the issuance of a JDP the~~
17 ~~Court should consider at least, but not be limited to, the~~
18 ~~following issues:~~

19 ~~1. Whether the person is employed and no other means of~~
20 ~~commuting to the place of employment is available or that~~
21 ~~the person must drive as a condition of employment. The~~
22 ~~employer shall certify the hours of employment and the need~~
23 ~~and parameters necessary for driving as a condition to~~
24 ~~employment.~~

25 ~~2. Whether the person must drive to secure alcohol or~~
26 ~~other medical treatment for himself or a family member.~~

1 ~~3. Whether the person must drive for educational~~
2 ~~purposes. The educational institution shall certify the~~
3 ~~person's enrollment in and academic schedule at the~~
4 ~~institution.~~

5 ~~4. Whether the person has been repeatedly convicted of~~
6 ~~traffic violations or involved in motor vehicle accidents~~
7 ~~to a degree which indicates disrespect for public safety.~~

8 ~~5. Whether the person has been convicted of a traffic~~
9 ~~violation in connection with a traffic accident resulting~~
10 ~~in the death of any person within the last 5 years.~~

11 ~~6. Whether the person is likely to obey the limited~~
12 ~~provisions of the JDP.~~

13 ~~7. Whether the person has any additional traffic~~
14 ~~violations pending in any court.~~

15 ~~For purposes of this Section, programs conducting~~
16 ~~professional evaluations of a person's alcohol, other drug, or~~
17 ~~intoxicating compound use must report, to the court of venue,~~
18 ~~using a form prescribed by the Secretary of State. A copy of~~
19 ~~such evaluations shall be sent to the Secretary of State by the~~
20 ~~court. However, the evaluation information shall be privileged~~
21 ~~and only available to courts and to the Secretary of State, but~~
22 ~~shall not be admissible in the subsequent trial on the~~
23 ~~underlying charge.~~

24 ~~(c) (Blank). The scope of any court order issued for a JDP~~
25 ~~under this Section shall be limited to the operation of a motor~~
26 ~~vehicle as provided for in subsection (a) of this Section and~~

1 ~~shall specify the petitioner's residence, place of employment~~
2 ~~or location of educational institution, and the scope of job~~
3 ~~related duties, if relevant. The JDP shall also specify days of~~
4 ~~the week and specific hours of the day when the petitioner is~~
5 ~~able to exercise the limited privilege of operating a motor~~
6 ~~vehicle.~~

7 (c-1) ~~If the petitioner is issued a citation for a~~
8 ~~violation of Section 6-303 during the period of a statutory~~
9 ~~summary suspension entered under Section 11-501.1 of this Code,~~
10 ~~or if the petitioner is charged with a violation of Section~~
11 ~~11-501 or a similar provision of a local ordinance or a similar~~
12 ~~out of state offense which occurs after the current violation~~
13 ~~of Section 11-501 or a similar provision of a local ordinance,~~
14 ~~the court may not grant the petitioner a JDP unless the~~
15 ~~petitioner is acquitted or the citation or complaint is~~
16 ~~otherwise dismissed.~~

17 If the person ~~petitioner~~ is issued a citation for a violation
18 of Section 6-303 or a violation of Section 11-501 or a similar
19 provision of a local ordinance or a similar out of state
20 offense during the term of the MDDP ~~JDP~~, the officer issuing
21 the citation, or the law enforcement agency employing that
22 officer, shall confiscate the MDDP ~~JDP~~ and immediately send the
23 MDDP ~~JDP~~ and notice of the citation to the court that ordered
24 the issuance of the MDDP ~~JDP~~. Within 10 days of receipt, the
25 issuing court, upon notice to the person ~~petitioner~~, shall
26 conduct a hearing to consider cancellation of the MDDP ~~JDP~~. If

1 the court enters an order of cancellation, the court shall
2 forward the order to the Secretary of State, and the Secretary
3 shall cancel the MDDP ~~JDP~~ and notify the person ~~petitioner~~ of
4 the cancellation. If, however, the person ~~petitioner~~ is
5 convicted of the offense before the MDDP ~~JDP~~ has been
6 cancelled, the court of venue shall send notice of conviction
7 to the court that ordered issuance of the MDDP ~~JDP~~. The court
8 receiving the notice shall immediately enter an order of
9 cancellation and forward the order to the Secretary of State.
10 The Secretary shall cancel the JDP and notify the person
11 ~~petitioner~~ of the cancellation.

12 If the person ~~petitioner~~ is issued a citation for any other
13 traffic related offense during the term of the MDDP ~~JDP~~, the
14 officer issuing the citation, or the law enforcement agency
15 employing that officer, shall send notice of the citation to
16 the court that ordered issuance of the MDDP ~~JDP~~. Upon receipt
17 and notice to the person ~~petitioner~~ and an opportunity for a
18 hearing, the court shall determine whether the violation
19 constitutes grounds for cancellation of the MDDP ~~JDP~~. If the
20 court enters an order of cancellation, the court shall forward
21 the order to the Secretary of State, and the Secretary shall
22 cancel the MDDP ~~JDP~~ and shall notify the person ~~petitioner~~ of
23 the cancellation.

24 (c-5) If the court determines that the person seeking the
25 MDDP is indigent, the court shall provide the person with a
26 written document, in a form prescribed by the Secretary of

1 State, as evidence of that determination, and the person shall
2 provide that written document to an ignition interlock device
3 provider. The provider shall install an ignition interlock
4 device on that person's vehicle without charge to the person,
5 and seek reimbursement from the Indigent BAIID Fund.

6 (d) The Secretary of State shall, upon receiving a court
7 order from the court of venue, issue a MDDP ~~JDP~~ to a person who
8 applies ~~successful Petitioner~~ under this Section. Such court
9 order form shall also contain a notification, which shall be
10 sent to the Secretary of State, providing the name, driver's
11 license number and legal address of the applicant ~~successful~~
12 ~~petitioner, and the full and detailed description of the~~
13 ~~limitations of the JDP.~~ This information shall be available
14 only to the courts, police officers, and the Secretary of
15 State, except during the actual period the MDDP ~~JDP~~ is valid,
16 during which time it shall be a public record. The Secretary of
17 State shall design and furnish to the courts an official court
18 order form to be used by the courts when directing the
19 Secretary of State to issue a MDDP ~~JDP~~.

20 Any submitted court order that contains insufficient data
21 or fails to comply with this Code shall not be utilized for
22 MDDP ~~JDP~~ issuance or entered to the driver record but shall be
23 returned to the issuing court indicating why the MDDP ~~JDP~~
24 cannot be so entered. A notice of this action shall also be
25 sent to the MDDP applicant ~~JDP petitioner~~ by the Secretary of
26 State.

1 (e) (Blank). ~~The circuit court of venue may conduct the~~
2 ~~judicial hearing, as provided in Section 2-118.1, and the JDP~~
3 ~~hearing provided in this Section, concurrently. Such~~
4 ~~concurrent hearing shall proceed in the court in the same~~
5 ~~manner as in other civil proceedings.~~

6 (f) (Blank). ~~The circuit court of venue may, as a condition~~
7 ~~of the issuance of a JDP, prohibit the person from operating a~~
8 ~~motor vehicle not equipped with an ignition interlock device.~~

9 (g) The Secretary of State shall adopt rules for
10 implementing this Section. The rules adopted shall address
11 issues including, but not limited to: compliance with the
12 requirements of the MDDP; methods for determining compliance
13 with those requirements; the consequences of noncompliance
14 with those requirements; what constitutes a violation of the
15 MDDP; and the duties of a person or entity that supplies the
16 ignition interlock device.

17 (h) The rules adopted under subsection (g) shall provide,
18 at a minimum, that the person is not in compliance with the
19 requirements of the MDDP if he or she:

20 (1) tampers or attempts to tamper with or circumvent
21 the proper operation of the ignition interlock device;

22 (2) provides valid breath samples that register blood
23 alcohol levels in excess of the number of times allowed
24 under the rules;

25 (3) fails to provide evidence sufficient to satisfy the
26 Secretary that the ignition interlock device has been

1 installed in the designated vehicle or vehicles; or

2 (4) fails to follow any other applicable rules adopted
3 by the Secretary.

4 (i) Any person or entity that supplies an ignition
5 interlock device as provided under this Section shall, in
6 addition to supplying only those devices which fully comply
7 with all the rules adopted under subsection (g), provide the
8 Secretary, within 7 days of inspection, all monitoring reports
9 of each person who has had an ignition interlock device
10 installed. These reports shall be furnished in a manner or form
11 as prescribed by the Secretary.

12 (j) Upon making a determination that a violation of the
13 requirements of the MDDP has occurred, the Secretary shall
14 extend the summary suspension period for an additional 3 months
15 beyond the originally imposed summary suspension period,
16 during which time the person shall only be allowed to drive
17 vehicles equipped with an ignition interlock device; provided
18 further there are no limitations on the number of times the
19 summary suspension may be extended. Any person whose summary
20 suspension is extended pursuant to this Section shall have the
21 right to contest the extension through an administrative
22 hearing with the Secretary. If the summary suspension has
23 already terminated prior to the Secretary receiving the
24 monitoring report that shows a violation, the Secretary shall
25 be authorized to suspend the person's driving privileges for 3
26 months. The only permit the person shall be eligible for during

1 this new suspension period is a MDDP.

2 (k) A person who has had his or her summary suspension
3 extended for the third time shall have his or her vehicle
4 impounded for a period of 30 days, at the person's own expense.

5 A person who has his or her summary suspension extended for the
6 fourth time shall have his or her vehicle subject to seizure
7 and forfeiture. The Secretary shall notify the prosecuting
8 authority of any third or fourth extensions. Upon receipt of
9 the notification, the prosecuting authority shall impound or
10 forfeit the vehicle.

11 (l) A person whose driving privileges have been suspended
12 under Section 11-501.1 of this Code and who had a MDDP that was
13 cancelled pursuant to subsection (c-1) of this Section, shall
14 not be eligible for reinstatement when the summary suspension
15 is scheduled to terminate, but instead shall be eligible only
16 to apply for a restricted driving permit. If a restricted
17 driving permit is granted, the offender may only operate
18 vehicles equipped with an ignition interlock device, for a
19 period of not less than twice the original summary suspension
20 period.

21 (m) Any person or entity that supplies an ignition
22 interlock device under this Section shall, for each ignition
23 interlock device installed, pay 5% of the total gross revenue
24 received for the device into the Indigent BAIID Fund. This 5%
25 shall be clearly indicated as a separate surcharge on each
26 invoice that is issued. The Secretary shall conduct an annual

1 review of the fund to determine whether the surcharge is
2 sufficient to provide for indigent users. The Secretary may
3 increase or decrease this surcharge requirement as needed.

4 (n) Any person or entity that supplies an ignition
5 interlock device under this Section that is requested to
6 provide an ignition interlock device to a person who presents
7 written documentation of indigency from the court, as provided
8 in subsection (c-5) of this Section, shall install the device
9 on the person's vehicle without charge to the person and shall
10 seek reimbursement from the Indigent BAIID Fund.

11 (o) The Indigent BAIID Fund is created as a special fund in
12 the State treasury. The Secretary of State shall, subject to
13 appropriation by the General Assembly, use all money in the
14 Indigent BAIID Fund to reimburse ignition interlock device
15 providers who have installed devices in vehicles of indigent
16 persons pursuant to court orders issued under this Section. The
17 Secretary shall make payments to such providers every 3 months.
18 If the amount of money in the fund at the time payments are
19 made is not sufficient to pay all requests for reimbursement
20 submitted during that 3 month period, the Secretary shall make
21 payments on a pro-rata basis, and those payments shall be
22 considered payment in full for the requests submitted.

23 (p) The Monitoring Device Driving Permit Administration
24 Fee Fund is created as a special fund in the State treasury.
25 The Secretary of State shall, subject to appropriation by the
26 General Assembly, use the money paid into this fund to offset

1 its administrative costs for administering MDDPs.

2 (Source: P.A. 94-307, eff. 9-30-05; 94-357, eff. 1-1-06;
3 94-930, eff. 6-26-06.)

4 (625 ILCS 5/6-208.1) (from Ch. 95 1/2, par. 6-208.1)

5 Sec. 6-208.1. Period of statutory summary alcohol, other
6 drug, or intoxicating compound related suspension.

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

12 1. Twelve ~~Six~~ months from the effective date of the
13 statutory summary suspension for a refusal or failure to
14 complete a test or tests to determine the alcohol, drug, or
15 intoxicating compound concentration, pursuant to Section
16 11-501.1; or

17 2. Six ~~Three~~ months from the effective date of the
18 statutory summary suspension imposed following the
19 person's submission to a chemical test which disclosed an
20 alcohol concentration of 0.08 or more, or any amount of a
21 drug, substance, or intoxicating compound in such person's
22 breath, blood, or urine resulting from the unlawful use or
23 consumption of cannabis listed in the Cannabis Control Act,
24 a controlled substance listed in the Illinois Controlled
25 Substances Act, or an intoxicating compound listed in the

1 Use of Intoxicating Compounds Act, pursuant to Section
2 11-501.1; or

3 3. Three years from the effective date of the statutory
4 summary suspension for any person other than a first
5 offender who refuses or fails to complete a test or tests
6 to determine the alcohol, drug, or intoxicating compound
7 concentration pursuant to Section 11-501.1; or

8 4. One year from the effective date of the summary
9 suspension imposed for any person other than a first
10 offender following submission to a chemical test which
11 disclosed an alcohol concentration of 0.08 or more pursuant
12 to Section 11-501.1 or any amount of a drug, substance or
13 compound in such person's blood or urine resulting from the
14 unlawful use or consumption of cannabis listed in the
15 Cannabis Control Act, a controlled substance listed in the
16 Illinois Controlled Substances Act, or an intoxicating
17 compound listed in the Use of Intoxicating Compounds Act.

18 (b) Following a statutory summary suspension of the
19 privilege to drive a motor vehicle under Section 11-501.1, full
20 driving privileges shall be restored unless the person is
21 otherwise disqualified by this Code. If the court has reason to
22 believe that the person's driving privilege should not be
23 restored, the court shall notify the Secretary of State prior
24 to the expiration of the statutory summary suspension so
25 appropriate action may be taken pursuant to this Code.

26 (c) Full driving privileges may not be restored until all

1 applicable reinstatement fees, as provided by this Code, have
2 been paid to the Secretary of State and the appropriate entry
3 made to the driver's record.

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

11 (e) Following a statutory summary suspension of driving
12 privileges pursuant to Section 11-501.1, for a first offender,
13 the circuit court court shall, if requested by the offender,
14 order the Secretary of State to ~~may, after at least 30 days~~
15 ~~from the effective date of the statutory summary suspension,~~
16 issue a monitoring device driving permit ~~judicial driving~~
17 ~~permit~~ as provided in Section 6-206.1. A monitoring device
18 driving permit shall not be effective prior to the 31st day of
19 the statutory summary suspension.

20 (f) (Blank). ~~Subsequent to an arrest of a first offender,~~
21 ~~for any offense as defined in Section 11-501 or a similar~~
22 ~~provision of a local ordinance, following a statutory summary~~
23 ~~suspension of driving privileges pursuant to Section 11-501.1,~~
24 ~~for a first offender, the circuit court may issue a court order~~
25 ~~directing the Secretary of State to issue a judicial driving~~
26 ~~permit as provided in Section 6-206.1. However, this JDP shall~~

1 ~~not be effective prior to the 31st day of the statutory summary~~
2 ~~suspension.~~

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

7 (h) (Blank).

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

9 (625 ILCS 5/6-303) (from Ch. 95 1/2, par. 6-303)

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

12 (a) Any person who drives or is in actual physical control
13 of a motor vehicle on any highway of this State at a time when
14 such person's driver's license, permit or privilege to do so or
15 the privilege to obtain a driver's license or permit is revoked
16 or suspended as provided by this Code or the law of another
17 state, except as may be specifically allowed by a judicial
18 driving permit issued prior to the effective date of this
19 amendatory Act of the 95th General Assembly, monitoring device
20 driving permit, family financial responsibility driving
21 permit, probationary license to drive, or a restricted driving
22 permit issued pursuant to this Code or under the law of another
23 state, shall be guilty of a Class A misdemeanor.

24 (b) The Secretary of State upon receiving a report of the
25 conviction of any violation indicating a person was operating a

1 motor vehicle during the time when said person's driver's
2 license, permit or privilege was suspended by the Secretary, by
3 the appropriate authority of another state, or pursuant to
4 Section 11-501.1; except as may be specifically allowed by a
5 probationary license to drive, judicial driving permit issued
6 prior to the effective date of this amendatory Act of the 95th
7 General Assembly, monitoring device driving permit, or
8 restricted driving permit issued pursuant to this Code or the
9 law of another state; shall extend the suspension for the same
10 period of time as the originally imposed suspension; however,
11 if the period of suspension has then expired, the Secretary
12 shall be authorized to suspend said person's driving privileges
13 for the same period of time as the originally imposed
14 suspension; and if the conviction was upon a charge which
15 indicated that a vehicle was operated during the time when the
16 person's driver's license, permit or privilege was revoked;
17 except as may be allowed by a restricted driving permit issued
18 pursuant to this Code or the law of another state; the
19 Secretary shall not issue a driver's license for an additional
20 period of one year from the date of such conviction indicating
21 such person was operating a vehicle during such period of
22 revocation.

23 (c) Except as provided in subsections (c-3) and (c-4), any
24 ~~Any~~ person convicted of violating this Section shall serve a
25 minimum term of imprisonment of 10 consecutive days or 30 days
26 of community service when the person's driving privilege was

1 revoked or suspended as a result of:

2 (1) a violation of Section 11-501 of this Code or a
3 similar provision of a local ordinance relating to the
4 offense of operating or being in physical control of a
5 vehicle while under the influence of alcohol, any other
6 drug or any combination thereof; or

7 (2) a violation of paragraph (b) of Section 11-401 of
8 this Code or a similar provision of a local ordinance
9 relating to the offense of leaving the scene of a motor
10 vehicle accident involving personal injury or death; or

11 (3) a violation of Section 9-3 of the Criminal Code of
12 1961, as amended, relating to the offense of reckless
13 homicide; or

14 (4) a statutory summary suspension under Section
15 11-501.1 of this Code.

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

18 (c-1) Except as provided in subsection (d), any person
19 convicted of a second violation of this Section shall be
20 ordered by the court to serve a minimum of 100 hours of
21 community service.

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

25 (1) Seizure of the license plates of the person's
26 vehicle.

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

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

8 (c-4) Any person who has been issued a MDDP and who is
9 convicted of a violation of this Section as a result of
10 operating or being in actual physical control of a motor
11 vehicle not equipped with an ignition interlock device at the
12 time of the offense shall be guilty of a Class 4 felony and
13 shall serve a minimum term of imprisonment of 30 days.

14 (d) Any person convicted of a second violation of this
15 Section shall be guilty of a Class 4 felony and shall serve a
16 minimum term of imprisonment of 30 days or 300 hours of
17 community service, as determined by the court, if the
18 revocation or suspension was for a violation of Section 11-401
19 or 11-501 of this Code, or a similar out-of-state offense, or a
20 similar provision of a local ordinance, a violation of Section
21 9-3 of the Criminal Code of 1961, relating to the offense of
22 reckless homicide, or a similar out-of-state offense, or a
23 statutory summary suspension under Section 11-501.1 of this
24 Code.

25 (d-1) Except as provided in subsection (d-2) and subsection
26 (d-3), any person convicted of a third or subsequent violation

1 of this Section shall serve a minimum term of imprisonment of
2 30 days or 300 hours of community service, as determined by the
3 court.

4 (d-2) Any person convicted of a third violation of this
5 Section is guilty of a Class 4 felony and must serve a minimum
6 term of imprisonment of 30 days if the revocation or suspension
7 was for a violation of Section 11-401 or 11-501 of this Code,
8 or a similar out-of-state offense, or a similar provision of a
9 local ordinance, a violation of Section 9-3 of the Criminal
10 Code of 1961, relating to the offense of reckless homicide, or
11 a similar out-of-state offense, or a statutory summary
12 suspension under Section 11-501.1 of this Code.

13 (d-3) Any person convicted of a fourth, fifth, sixth,
14 seventh, eighth, or ninth violation of this Section is guilty
15 of a Class 4 felony and must serve a minimum term of
16 imprisonment of 180 days if the revocation or suspension was
17 for a violation of Section 11-401 or 11-501 of this Code, or a
18 similar out-of-state offense, or a similar provision of a local
19 ordinance, a violation of Section 9-3 of the Criminal Code of
20 1961, relating to the offense of reckless homicide, or a
21 similar out-of-state offense, or a statutory summary
22 suspension under Section 11-501.1 of this Code.

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

1 a violation of Section 11-401 or 11-501 of this Code, or a
2 similar out-of-state offense, or a similar provision of a local
3 ordinance, a violation of Section 9-3 of the Criminal Code of
4 1961, relating to the offense of reckless homicide, or a
5 similar out-of-state offense, or a statutory summary
6 suspension under Section 11-501.1 of this Code.

7 (d-5) Any person convicted of a fifteenth or subsequent
8 violation of this Section is guilty of a Class 2 felony, and is
9 not eligible for probation or conditional discharge, if the
10 revocation or suspension was for a violation of Section 11-401
11 or 11-501 of this Code, or a similar out-of-state offense, or a
12 similar provision of a local ordinance, a violation of Section
13 9-3 of the Criminal Code of 1961, relating to the offense of
14 reckless homicide, or a similar out-of-state offense, or a
15 statutory summary suspension under Section 11-501.1 of this
16 Code.

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

26 (f) For any prosecution under this Section, a certified

1 copy of the driving abstract of the defendant shall be admitted
2 as proof of any prior conviction.

3 (g) The motor vehicle used in a violation of this Section
4 is subject to seizure and forfeiture as provided in Sections
5 36-1 and 36-2 of the Criminal Code of 1961 if the person's
6 driving privilege was revoked or suspended as a result of a
7 violation listed in paragraph (1), (2), or (3) of subsection
8 (c) of this Section or as a result of a summary suspension as
9 provided in paragraph (4) of subsection (c) of this Section.

10 (Source: P.A. 94-112, eff. 1-1-06.)

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

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

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

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

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

21 (2) under the influence of alcohol;

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

25 (4) under the influence of any other drug or

1 combination of drugs to a degree that renders the person
2 incapable of safely driving;

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

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

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

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

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

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

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

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

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

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

21 (c) (Blank).

22 (c-1) (1) A person who violates subsection (a) during a
23 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 4 felony.

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

18 (2.2) A person who violates subsection (a), if the
19 violation occurs during a period in which his or her
20 driving privileges are revoked or suspended where the
21 revocation or suspension was for a violation of subsection
22 (a) or Section 11-501.1, shall also be sentenced to an
23 additional mandatory minimum term of 30 consecutive days of
24 imprisonment, 40 days of 24-hour periodic imprisonment, or
25 720 hours of community service, as may be determined by the
26 court. This mandatory term of imprisonment or assignment of

1 community service shall not be suspended or reduced by the
2 court.

3 (3) A person who violates subsection (a) a fourth or
4 subsequent time, if the fourth or subsequent violation
5 occurs during a period in which his or her driving
6 privileges are revoked or suspended where the revocation or
7 suspension was for a violation of subsection (a), Section
8 11-501.1, paragraph (b) of Section 11-401, or for reckless
9 homicide as defined in Section 9-3 of the Criminal Code of
10 1961, is guilty of a Class 2 felony and is not eligible for
11 a sentence of probation or conditional discharge.

12 (c-2) (Blank).

13 (c-3) (Blank).

14 (c-4) (Blank).

15 (c-5)(1) A person who violates subsection (a), if the
16 person was transporting a person under the age of 16 at the
17 time of the violation, is subject to an additional
18 mandatory minimum fine of \$1,000, an additional mandatory
19 minimum 140 hours of community service, which shall include
20 40 hours of community service in a program benefiting
21 children, and an additional 2 days of imprisonment. The
22 imprisonment or assignment of community service under this
23 subdivision (c-5)(1) is not subject to suspension, nor is
24 the person eligible for a reduced sentence.

25 (2) Except as provided in subdivisions (c-5)(3) and
26 (c-5)(4) a person who violates subsection (a) a second

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

11 (3) Except as provided in subdivision (c-5)(4), any
12 person convicted of violating subdivision (c-5)(2) or a
13 similar provision within 10 years of a previous violation
14 of subsection (a) or a similar provision shall receive, in
15 addition to any other penalty imposed, a mandatory minimum
16 12 days imprisonment, an additional 40 hours of mandatory
17 community service in a program benefiting children, and a
18 mandatory minimum fine of \$1,750. The imprisonment or
19 assignment of community service under this subdivision
20 (c-5)(3) is not subject to suspension, nor is the person
21 eligible for a reduced sentence.

22 (4) Any person convicted of violating subdivision
23 (c-5)(2) or a similar provision within 5 years of a
24 previous violation of subsection (a) or a similar provision
25 shall receive, in addition to any other penalty imposed, an
26 additional 80 hours of mandatory community service in a

1 program benefiting children, an additional mandatory
2 minimum 12 days of imprisonment, and a mandatory minimum
3 fine of \$1,750. The imprisonment or assignment of community
4 service under this subdivision (c-5)(4) is not subject to
5 suspension, nor is the person eligible for a reduced
6 sentence.

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

19 (6) Any person convicted of violating subdivision
20 (c-5)(5) or a similar provision a third time within 20
21 years of a previous violation of subsection (a) or a
22 similar provision is guilty of a Class 4 felony and shall
23 receive, in addition to any other penalty imposed, an
24 additional mandatory 40 hours of community service in a
25 program benefiting children, an additional mandatory fine
26 of \$3,000, and a mandatory minimum 120 days of

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

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

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

25 (2) Any person convicted of a second violation of
26 subsection (a) or a similar provision committed within 10

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

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

22 (4) Any person convicted of a fourth or subsequent
23 violation of subsection (a) or a similar provision, if at
24 the time of the fourth or subsequent violation the alcohol
25 concentration in his or her blood, breath, or urine was
26 0.16 or more based on the definition of blood, breath, or

1 urine units in Section 11-501.2, and if the person's 3
2 prior violations of subsection (a) or a similar provision
3 occurred while transporting a person under the age of 16 or
4 while the alcohol concentration in his or her blood,
5 breath, or urine was 0.16 or more based on the definition
6 of blood, breath, or urine units in Section 11-501.2, is
7 guilty of a Class 2 felony and is not eligible for a
8 sentence of probation or conditional discharge and is
9 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; 93-1093, eff. 3-29-05; 94-963, eff.
4 6-28-06.)

5 (Text of Section from P.A. 94-110 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 based on the definition of blood and
13 breath units in Section 11-501.2;

14 (2) under the influence of alcohol;

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

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

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

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

17 (c-5.1) A person 21 years of age or older who is convicted
18 of violating subsection (a) of this Section a first time and
19 who in committing that violation was involved in a motor
20 vehicle accident that resulted in bodily harm to the child
21 under the age of 16 being transported by the person, if the
22 violation was the proximate cause of the injury, is guilty of a
23 Class 4 felony and is subject to one year of imprisonment, a
24 mandatory fine of \$2,500, and 25 days of community service in a
25 program benefiting children. The imprisonment or assignment to
26 community service under this subsection (c-5.1) shall not be

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

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

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

24 (c-7.1) A person 21 years of age or older who is convicted
25 of violating subsection (a) of this Section a second time
26 within 10 years and who in committing that violation was

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

10 (c-8) (Blank).

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

20 (c-10) Any person 21 years of age or older convicted of
21 violating subsection (c-9) or a similar provision a third time
22 within 20 years of a previous violation of subsection (a) or a
23 similar provision is guilty of a Class 3 felony and, in
24 addition to any other penalty imposed, is subject to 3 years of
25 imprisonment, 25 days of community service in a program
26 benefiting children, and a mandatory fine of \$25,000. The

1 imprisonment or assignment of community service under this
2 subsection (c-10) is not subject to suspension, nor is the
3 person eligible for a reduced sentence.

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

16 (c-12) Any person convicted of a first violation of
17 subsection (a) or a similar provision, if the alcohol
18 concentration in his or her blood, breath, or urine was 0.16 or
19 more based on the definition of blood, breath, or urine units
20 in Section 11-501.2, shall be subject, in addition to any other
21 penalty that may be imposed, to a mandatory minimum of 100
22 hours of community service and a mandatory minimum fine of
23 \$500.

24 (c-13) Any person convicted of a second violation of
25 subsection (a) or a similar provision committed within 10 years
26 of a previous violation of subsection (a) or a similar

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

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

19 (c-15) Any person convicted of a fourth or subsequent
20 violation of subsection (a) or a similar provision, if at the
21 time of the fourth or subsequent violation 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, and if the person's 3 prior violations of
25 subsection (a) or a similar provision occurred while
26 transporting a person under the age of 16 or while the alcohol

1 concentration in his or her blood, breath, or urine was 0.16 or
2 more based on the definition of blood, breath, or urine units
3 in Section 11-501.2, is guilty of a Class 2 felony and is not
4 eligible for a sentence of probation or conditional discharge
5 and is subject to a minimum fine of \$2,500.

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

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

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

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

22 (D) the person committed a violation of subsection
23 (a) for a second time and has been previously convicted
24 of violating Section 9-3 of the Criminal Code of 1961
25 or a similar provision of a law of another state
26 relating to reckless homicide in which the person was

1 determined to have been under the influence of alcohol,
2 other drug or drugs, or intoxicating compound or
3 compounds as an element of the offense or the person
4 has previously been convicted under subparagraph (C)
5 or subparagraph (F) of this paragraph (1);

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

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

21 (2) Except as provided in this paragraph (2), a person
22 convicted of aggravated driving under the influence of
23 alcohol, other drug or drugs, or intoxicating compound or
24 compounds, or any combination thereof is guilty of a Class
25 4 felony. For a violation of subparagraph (C) of paragraph
26 (1) of this subsection (d), the defendant, if sentenced to

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

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

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

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

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

25 (g) The Secretary of State shall revoke the driving
26 privileges of any person convicted under this Section or a

1 similar provision of a local ordinance.

2 (h) (Blank).

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

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

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

25 (k) The Secretary of State Police DUI Fund is created as a
26 special fund in the State treasury. All moneys received by the

1 Secretary of State Police under subsection (j) of this Section
2 shall be deposited into the Secretary of State Police DUI Fund
3 and, subject to appropriation, shall be used for enforcement
4 and 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 to assist in the prevention of alcohol related
9 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 (1) Whenever an individual is sentenced for an offense
16 based upon an arrest for a violation of subsection (a) or a
17 similar provision of a local ordinance, and the professional
18 evaluation recommends remedial or rehabilitative treatment or
19 education, neither the treatment nor the education shall be the
20 sole disposition and either or both may be imposed only in
21 conjunction with another disposition. The court shall monitor
22 compliance with any remedial education or treatment
23 recommendations contained in the professional evaluation.
24 Programs conducting alcohol or other drug evaluation or
25 remedial education must be licensed by the Department of Human
26 Services. If the individual is not a resident of Illinois,

1 however, the court may accept an alcohol or other drug
2 evaluation or remedial education program in the individual's
3 state of residence. Programs providing treatment must be
4 licensed under existing applicable alcoholism and drug
5 treatment licensure standards.

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

23 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;
24 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;
25 93-840, eff. 7-30-04; 94-110, eff. 1-1-06; 94-963, eff.
26 6-28-06.)

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

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

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

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

10 (2) under the influence of alcohol;

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

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

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

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

1 committed within 5 years of a previous violation of subsection
2 (a) or a similar provision, in addition to any other criminal
3 or administrative sanction, a mandatory minimum term of either
4 10 days of imprisonment or 480 hours of community service shall
5 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 if the third violation occurs during a period in which his
20 or her driving privileges are revoked or suspended where
21 the revocation or suspension was for a violation of
22 subsection (a), Section 11-501.1, paragraph (b) of Section
23 11-401, or for reckless homicide as defined in Section 9-3
24 of the Criminal Code of 1961, is guilty of a Class 3
25 felony.

26 (2.1) A person who violates subsection (a) a third

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

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

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

10 (c-2) (Blank).

11 (c-3) (Blank).

12 (c-4) (Blank).

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

22 (c-6) Except as provided in subsections (c-7) and (c-8) a
23 person who violates subsection (a) a second time, if at the
24 time of the second violation the person was transporting a
25 person under the age of 16, is subject to an additional 10 days
26 of imprisonment, an additional mandatory minimum fine of

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

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

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

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

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

23 (c-11) Any person convicted a fourth or subsequent time for
24 violating subsection (a) or a similar provision, if at the time
25 of the fourth or subsequent violation the person was
26 transporting a person under the age of 16, and if the person's

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

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

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

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

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

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

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

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

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

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

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

25 (E) the person, in committing a violation of
26 subsection (a) while driving at any speed in a school

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

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

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

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

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

1 for by the individual required to undergo the professional
2 evaluation.

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

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

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

22 (h) (Blank).

23 (i) The Secretary of State shall require the use of
24 ignition interlock devices on all vehicles owned by an
25 individual who has been convicted of a second or subsequent
26 offense of this Section or a similar provision of a local

1 ordinance. The Secretary shall establish by rule and regulation
2 the procedures for certification and use of the interlock
3 system.

4 (j) In addition to any other penalties and liabilities, a
5 person who is found guilty of or pleads guilty to violating
6 subsection (a), including any person placed on court
7 supervision for violating subsection (a), shall be fined \$500,
8 payable to the circuit clerk, who shall distribute the money as
9 follows: 20% to the law enforcement agency that made the arrest
10 and 80% shall be forwarded to the State Treasurer for deposit
11 into the General Revenue Fund. If the person has been
12 previously convicted of violating subsection (a) or a similar
13 provision of a local ordinance, the fine shall be \$1,000. In
14 the event that more than one agency is responsible for the
15 arrest, the amount payable to law enforcement agencies shall be
16 shared equally. Any moneys received by a law enforcement agency
17 under this subsection (j) 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. Equipment and commodities
3 shall include, but are not limited to, in-car video cameras,
4 radar and laser speed detection devices, and alcohol breath
5 testers. Any moneys received by the Department of State Police
6 under this subsection (j) shall be deposited into the State
7 Police DUI Fund and shall be used for enforcement and
8 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 that will assist in the prevention of alcohol
13 related 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 (k) The Secretary of State Police DUI Fund is created as a
20 special fund in the State treasury. All moneys received by the
21 Secretary of State Police under subsection (j) of this Section
22 shall be deposited into the Secretary of State Police DUI Fund
23 and, subject to appropriation, shall be used for enforcement
24 and prevention of driving while under the influence of alcohol,
25 other drug or drugs, intoxicating compound or compounds or any
26 combination thereof, as defined by this Section, including but

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

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

26 (m) In addition to any other fine or penalty required by

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

17 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;
18 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;
19 93-840, eff. 7-30-04; 94-113, eff. 1-1-06; 94-609, eff. 1-1-06;
20 94-963, eff. 6-28-06.)

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

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

25 (a) A person shall not drive or be in actual physical

1 control of any vehicle within this State while:

2 (1) the alcohol concentration in the person's blood or
3 breath is 0.08 or more based on the definition of blood and
4 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 based on the definition of blood and
24 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 violation committed within 5
16 years of a previous violation of subsection (a) or a similar
17 provision, the defendant is guilty of a Class 2 felony, and in
18 addition to any other criminal or administrative sanction, a
19 mandatory minimum term of either 10 days of imprisonment or 480
20 hours of community service shall 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 is guilty of a Class 2 felony.

9 (2.1) A person who violates subsection (a) a third
10 time, if the third violation occurs during a period in
11 which his or her driving privileges are revoked or
12 suspended where the revocation or suspension was for a
13 violation of subsection (a), Section 11-501.1, subsection
14 (b) of Section 11-401, or for reckless homicide as defined
15 in Section 9-3 of the Criminal Code of 1961, is guilty of a
16 Class 2 felony; and if the person receives a term of
17 probation or conditional discharge, he or she shall be
18 required to serve a mandatory minimum of 10 days of
19 imprisonment or shall be assigned a mandatory minimum of
20 480 hours of community service, as may be determined by the
21 court, as a condition of the probation or conditional
22 discharge. This mandatory minimum term of imprisonment or
23 assignment of community service shall not be suspended or
24 reduced by the court.

25 (2.2) A person who violates subsection (a), if the
26 violation occurs during a period in which his or her

1 driving privileges are revoked or suspended where the
2 revocation or suspension was for a violation of subsection
3 (a) or Section 11-501.1, shall also be sentenced to an
4 additional mandatory minimum term of 30 consecutive days of
5 imprisonment, 40 days of 24-hour periodic imprisonment, or
6 720 hours of community service, as may be determined by the
7 court. This mandatory term of imprisonment or assignment of
8 community service shall not be suspended or reduced by the
9 court.

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

13 (4) A person who violates subsection (a) a fifth or
14 subsequent time is guilty of a Class 1 felony and is not
15 eligible for a sentence of probation or conditional
16 discharge.

17 (c-2) (Blank).

18 (c-3) (Blank).

19 (c-4) (Blank).

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

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

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

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

24 (c-8) Any person convicted of violating subsection (c-6) or
25 a similar provision within 5 years of a previous violation of
26 subsection (a) or a similar provision shall receive, in

1 addition to any other penalty imposed, an additional 80 hours
2 of mandatory community service in a program benefiting
3 children, an additional mandatory minimum 12 days of
4 imprisonment, and a mandatory minimum fine of \$1,750. The
5 imprisonment or assignment of community service under this
6 subsection (c-8) is not subject to suspension, nor is the
7 person eligible for a reduced sentence.

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

19 (c-10) Any person convicted of violating subsection (c-9)
20 or a similar provision a third time within 20 years of a
21 previous violation of subsection (a) or a similar provision is
22 guilty of a Class 2 felony and shall receive, in addition to
23 any other penalty imposed, an additional mandatory 40 hours of
24 community service in a program benefiting children, an
25 additional mandatory fine of \$3,000, and a mandatory minimum
26 120 days of imprisonment. The imprisonment or assignment of

1 community service under this subsection (c-10) is not subject
2 to suspension, nor is the person eligible for a reduced
3 sentence.

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

15 (c-12) Any person convicted of a first violation of
16 subsection (a) or a similar provision, if the alcohol
17 concentration in his or her blood, breath, or urine was 0.16 or
18 more based on the definition of blood, breath, or urine units
19 in Section 11-501.2, shall be subject, in addition to any other
20 penalty that may be imposed, to a mandatory minimum of 100
21 hours of community service and a mandatory minimum fine of
22 \$500.

23 (c-13) Any person convicted of a second violation of
24 subsection (a) or a similar provision committed within 10 years
25 of a previous violation of subsection (a) or a similar
26 provision committed within 10 years of a previous violation of

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

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

19 (c-15) Any person convicted of a fourth violation of
20 subsection (a) or a similar provision, if at the time of the
21 fourth violation the alcohol concentration in his or her blood,
22 breath, or urine was 0.16 or more based on the definition of
23 blood, breath, or urine units in Section 11-501.2, and if the
24 person's 3 prior violations of subsection (a) or a similar
25 provision occurred while transporting a person under the age of
26 16 or while the alcohol concentration in his or her blood,

1 breath, or urine was 0.16 or more based on the definition of
2 blood, breath, or urine units in Section 11-501.2, is guilty of
3 a Class 2 felony and is not eligible for a sentence of
4 probation or conditional discharge and is subject to a minimum
5 fine of \$2,500.

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

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

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

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

22 (D) the person committed a violation of subsection
23 (a) for a second time and has been previously convicted
24 of violating Section 9-3 of the Criminal Code of 1961
25 or a similar provision of a law of another state
26 relating to reckless homicide in which the person was

1 determined to have been under the influence of alcohol,
2 other drug or drugs, or intoxicating compound or
3 compounds as an element of the offense or the person
4 has previously been convicted under subparagraph (C)
5 or subparagraph (F) of this paragraph (1);

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

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

21 (2) Except as provided in this paragraph (2) and in
22 paragraphs (3) and (4) of subsection (c-1), a person
23 convicted of aggravated driving under the influence of
24 alcohol, other drug or drugs, or intoxicating compound or
25 compounds, or any combination thereof is guilty of a Class
26 4 felony. For a violation of subparagraph (C) of paragraph

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

1 assignment of community service may not be suspended or
2 reduced by the court.

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

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

25 (f) Every person found guilty of violating this Section,
26 whose operation of a motor vehicle while in violation of this

1 Section proximately caused any incident resulting in an
2 appropriate emergency response, shall be liable for the expense
3 of an emergency response as provided under Section 5-5-3 of the
4 Unified Code of Corrections.

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

8 (h) (Blank).

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

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

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

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

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

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

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

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

1 rolls of a regularly constituted fire department, or an
2 ambulance.

3 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;
4 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;
5 93-840, eff. 7-30-04; 94-116, eff. 1-1-06; 94-963, eff.
6 6-28-06.)

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

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

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

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

16 (2) under the influence of alcohol;

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

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

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

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

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

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

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

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

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

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

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

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

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

16 (c) (Blank).

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

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

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 aggravated
7 driving under the influence of alcohol, other drug or
8 drugs, intoxicating compound or compounds, or any
9 combination thereof and is guilty of a Class 3 felony.

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

1 be suspended or reduced by the court.

2 (2.2) A person who violates subsection (a), if the
3 violation occurs during a period in which his or her
4 driving privileges are revoked or suspended where the
5 revocation or suspension was for a violation of subsection
6 (a) or Section 11-501.1, is guilty of aggravated driving
7 under the influence of alcohol, other drug or drugs,
8 intoxicating compound or compounds, or any combination
9 thereof and shall also be sentenced to an additional
10 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 aggravated driving under the influence
24 of alcohol, other drug or drugs, intoxicating compound or
25 compounds, or any combination thereof and is guilty of a
26 Class 2 felony, and is not eligible for a sentence of

1 probation or conditional 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 4 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 4 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 or subsequent time for
16 violating subsection (a) or a similar provision, if at the time
17 of the fourth or subsequent violation the person was
18 transporting a person under the age of 16, and if the person's
19 3 prior violations of subsection (a) or a similar provision
20 occurred while transporting a person under the age of 16 or
21 while the alcohol concentration in his or her blood, breath, or
22 urine was 0.16 or more based on the definition of blood,
23 breath, or urine units in Section 11-501.2, is guilty of a
24 Class 2 felony, is not eligible for probation or conditional
25 discharge, and is subject to a minimum 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 4 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 or subsequent
5 violation of subsection (a) or a similar provision, if at the
6 time of the fourth or subsequent violation the alcohol
7 concentration in his or her blood, breath, or urine was 0.16 or
8 more based on the definition of blood, breath, or urine units
9 in Section 11-501.2, and if the person's 3 prior violations of
10 subsection (a) or a similar provision occurred while
11 transporting a person under the age of 16 or while the alcohol
12 concentration in his or her blood, breath, or urine was 0.16 or
13 more based on the definition of blood, breath, or urine units
14 in Section 11-501.2, is guilty of a Class 2 felony and is not
15 eligible for a sentence of probation or conditional discharge
16 and is subject to a minimum 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 (G) the person committed the violation while he or
7 she did not possess a driver's license or permit or a
8 restricted driving permit or a judicial driving permit
9 or a monitoring device driving permit; or

10 (H) the person committed the violation while he or
11 she knew or should have known that the vehicle he or
12 she was driving was not covered by a liability
13 insurance policy.

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

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

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

1 for by the individual required to undergo the professional
2 evaluation.

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

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

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

22 (h) (Blank).

23 (i) The Secretary of State shall require the use of
24 ignition interlock devices on all vehicles owned by an
25 individual who has been convicted of a second or subsequent
26 offense of this Section or a similar provision of a local

1 ordinance. The Secretary shall establish by rule and regulation
2 the procedures for certification and use of the interlock
3 system.

4 (j) In addition to any other penalties and liabilities, a
5 person who is found guilty of or pleads guilty to violating
6 subsection (a), including any person placed on court
7 supervision for violating subsection (a), shall be fined \$500,
8 payable to the circuit clerk, who shall distribute the money as
9 follows: 20% to the law enforcement agency that made the arrest
10 and 80% shall be forwarded to the State Treasurer for deposit
11 into the General Revenue Fund. If the person has been
12 previously convicted of violating subsection (a) or a similar
13 provision of a local ordinance, the fine shall be \$1,000. In
14 the event that more than one agency is responsible for the
15 arrest, the amount payable to law enforcement agencies shall be
16 shared equally. Any moneys received by a law enforcement agency
17 under this subsection (j) 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. Equipment and commodities
3 shall include, but are not limited to, in-car video cameras,
4 radar and laser speed detection devices, and alcohol breath
5 testers. Any moneys received by the Department of State Police
6 under this subsection (j) shall be deposited into the State
7 Police DUI Fund and shall be used for enforcement and
8 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 that will assist in the prevention of alcohol
13 related 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 (k) The Secretary of State Police DUI Fund is created as a
20 special fund in the State treasury. All moneys received by the
21 Secretary of State Police under subsection (j) of this Section
22 shall be deposited into the Secretary of State Police DUI Fund
23 and, subject to appropriation, shall be used for enforcement
24 and prevention of driving while under the influence of alcohol,
25 other drug or drugs, intoxicating compound or compounds or any
26 combination thereof, as defined by this Section, including but

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

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

26 (m) In addition to any other fine or penalty required by

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

17 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;
18 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;
19 93-840, eff. 7-30-04; 94-329, eff. 1-1-06; 94-963, eff.
20 6-28-06.)

21 Section 15. The Unified Code of Corrections is amended by
22 changing Section 5-6-1 as follows:

23 (730 ILCS 5/5-6-1) (from Ch. 38, par. 1005-6-1)

24 Sec. 5-6-1. Sentences of Probation and of Conditional

1 Discharge and Disposition of Supervision. The General Assembly
2 finds that in order to protect the public, the criminal justice
3 system must compel compliance with the conditions of probation
4 by responding to violations with swift, certain and fair
5 punishments and intermediate sanctions. The Chief Judge of each
6 circuit shall adopt a system of structured, intermediate
7 sanctions for violations of the terms and conditions of a
8 sentence of probation, conditional discharge or disposition of
9 supervision.

10 (a) Except where specifically prohibited by other
11 provisions of this Code, the court shall impose a sentence of
12 probation or conditional discharge upon an offender unless,
13 having regard to the nature and circumstance of the offense,
14 and to the history, character and condition of the offender,
15 the court is of the opinion that:

16 (1) his imprisonment or periodic imprisonment is
17 necessary for the protection of the public; or

18 (2) probation or conditional discharge would deprecate
19 the seriousness of the offender's conduct and would be
20 inconsistent with the ends of justice; or

21 (3) a combination of imprisonment with concurrent or
22 consecutive probation when an offender has been admitted
23 into a drug court program under Section 20 of the Drug
24 Court Treatment Act is necessary for the protection of the
25 public and for the rehabilitation of the offender.

26 The court shall impose as a condition of a sentence of

1 probation, conditional discharge, or supervision, that the
2 probation agency may invoke any sanction from the list of
3 intermediate sanctions adopted by the chief judge of the
4 circuit court for violations of the terms and conditions of the
5 sentence of probation, conditional discharge, or supervision,
6 subject to the provisions of Section 5-6-4 of this Act.

7 (b) The court may impose a sentence of conditional
8 discharge for an offense if the court is of the opinion that
9 neither a sentence of imprisonment nor of periodic imprisonment
10 nor of probation supervision is appropriate.

11 (b-1) Subsections (a) and (b) of this Section do not apply
12 to a defendant charged with a misdemeanor or felony under the
13 Illinois Vehicle Code or reckless homicide under Section 9-3 of
14 the Criminal Code of 1961 if the defendant within the past 12
15 months has been convicted of or pleaded guilty to a misdemeanor
16 or felony under the Illinois Vehicle Code or reckless homicide
17 under Section 9-3 of the Criminal Code of 1961.

18 (c) The court may, upon a plea of guilty or a stipulation
19 by the defendant of the facts supporting the charge or a
20 finding of guilt, defer further proceedings and the imposition
21 of a sentence, and enter an order for supervision of the
22 defendant, if the defendant is not charged with: (i) a Class A
23 misdemeanor, as defined by the following provisions of the
24 Criminal Code of 1961: Sections 11-9.1; 12-3.2; 12-15; 26-5;
25 31-1; 31-6; 31-7; subsections (b) and (c) of Section 21-1;
26 paragraph (1) through (5), (8), (10), and (11) of subsection

1 (a) of Section 24-1; (ii) a Class A misdemeanor violation of
2 Section 3.01, 3.03-1, or 4.01 of the Humane Care for Animals
3 Act; or (iii) felony. If the defendant is not barred from
4 receiving an order for supervision as provided in this
5 subsection, the court may enter an order for supervision after
6 considering the circumstances of the offense, and the history,
7 character and condition of the offender, if the court is of the
8 opinion that:

9 (1) the offender is not likely to commit further
10 crimes;

11 (2) the defendant and the public would be best served
12 if the defendant were not to receive a criminal record; and

13 (3) in the best interests of justice an order of
14 supervision is more appropriate than a sentence otherwise
15 permitted under this Code.

16 (d) The provisions of paragraph (c) shall not apply to a
17 defendant charged with violating Section 11-501 of the Illinois
18 Vehicle Code or a similar provision of a local ordinance when
19 the defendant has previously been:

20 (1) convicted for a violation of Section 11-501 of the
21 Illinois Vehicle Code or a similar provision of a local
22 ordinance or any similar law or ordinance of another state;
23 or

24 (2) assigned supervision for a violation of Section
25 11-501 of the Illinois Vehicle Code or a similar provision
26 of a local ordinance or any similar law or ordinance of

1 another state; or

2 (3) pleaded guilty to or stipulated to the facts
3 supporting a charge or a finding of guilty to a violation
4 of Section 11-503 of the Illinois Vehicle Code or a similar
5 provision of a local ordinance or any similar law or
6 ordinance of another state, and the plea or stipulation was
7 the result of a plea agreement.

8 The court shall consider the statement of the prosecuting
9 authority with regard to the standards set forth in this
10 Section.

11 (e) The provisions of paragraph (c) shall not apply to a
12 defendant charged with violating Section 16A-3 of the Criminal
13 Code of 1961 if said defendant has within the last 5 years
14 been:

15 (1) convicted for a violation of Section 16A-3 of the
16 Criminal Code of 1961; or

17 (2) assigned supervision for a violation of Section
18 16A-3 of the Criminal Code of 1961.

19 The court shall consider the statement of the prosecuting
20 authority with regard to the standards set forth in this
21 Section.

22 (f) The provisions of paragraph (c) shall not apply to a
23 defendant charged with violating Sections 15-111, 15-112,
24 15-301, paragraph (b) of Section 6-104, Section 11-605, or
25 Section 11-1414 of the Illinois Vehicle Code or a similar
26 provision of a local ordinance.

1 (g) Except as otherwise provided in paragraph (i) of this
2 Section, the provisions of paragraph (c) shall not apply to a
3 defendant charged with violating Section 3-707, 3-708, 3-710,
4 or 5-401.3 of the Illinois Vehicle Code or a similar provision
5 of a local ordinance if the defendant has within the last 5
6 years been:

7 (1) convicted for a violation of Section 3-707, 3-708,
8 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar
9 provision of a local ordinance; or

10 (2) assigned supervision for a violation of Section
11 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle
12 Code or a similar provision of a local ordinance.

13 The court shall consider the statement of the prosecuting
14 authority with regard to the standards set forth in this
15 Section.

16 (h) The provisions of paragraph (c) shall not apply to a
17 defendant under the age of 21 years charged with violating a
18 serious traffic offense as defined in Section 1-187.001 of the
19 Illinois Vehicle Code:

20 (1) unless the defendant, upon payment of the fines,
21 penalties, and costs provided by law, agrees to attend and
22 successfully complete a traffic safety program approved by
23 the court under standards set by the Conference of Chief
24 Circuit Judges. The accused shall be responsible for
25 payment of any traffic safety program fees. If the accused
26 fails to file a certificate of successful completion on or

1 before the termination date of the supervision order, the
2 supervision shall be summarily revoked and conviction
3 entered. The provisions of Supreme Court Rule 402 relating
4 to pleas of guilty do not apply in cases when a defendant
5 enters a guilty plea under this provision; or

6 (2) if the defendant has previously been sentenced
7 under the provisions of paragraph (c) on or after January
8 1, 1998 for any serious traffic offense as defined in
9 Section 1-187.001 of the Illinois Vehicle Code.

10 (i) The provisions of paragraph (c) shall not apply to a
11 defendant charged with violating Section 3-707 of the Illinois
12 Vehicle Code or a similar provision of a local ordinance if the
13 defendant has been assigned supervision for a violation of
14 Section 3-707 of the Illinois Vehicle Code or a similar
15 provision of a local ordinance.

16 (j) The provisions of paragraph (c) shall not apply to a
17 defendant charged with violating Section 6-303 of the Illinois
18 Vehicle Code or a similar provision of a local ordinance when
19 the revocation or suspension was for a violation of Section
20 11-501 or a similar provision of a local ordinance, a violation
21 of Section 11-501.1 or paragraph (b) of Section 11-401 of the
22 Illinois Vehicle Code, or a violation of Section 9-3 of the
23 Criminal Code of 1961 if the defendant has within the last 10
24 years been:

25 (1) convicted for a violation of Section 6-303 of the
26 Illinois Vehicle Code or a similar provision of a local

1 ordinance; or

2 (2) assigned supervision for a violation of Section
3 6-303 of the Illinois Vehicle Code or a similar provision
4 of a local ordinance.

5 (k) The provisions of paragraph (c) shall not apply to a
6 defendant charged with violating any provision of the Illinois
7 Vehicle Code or a similar provision of a local ordinance that
8 governs the movement of vehicles if, within the 12 months
9 preceding the date of the defendant's arrest, the defendant has
10 been assigned court supervision on 2 occasions for a violation
11 that governs the movement of vehicles under the Illinois
12 Vehicle Code or a similar provision of a local ordinance.

13 (l) A defendant charged with violating any provision of the
14 Illinois Vehicle Code who, after a court appearance in the same
15 matter, receives a disposition of supervision under subsection
16 (c) shall pay an additional fee of \$20, to be collected as
17 provided in Sections 27.5 and 27.6 of the Clerks of Courts Act.
18 In addition to the \$20 fee, the person shall also pay a fee of
19 \$5, which, if not waived by the court, shall be collected as
20 provided in Sections 27.5 and 27.6 of the Clerks of Courts Act.
21 The \$20 fee shall be disbursed as provided in Section 16-104c
22 of the Illinois Vehicle Code. If the \$5 fee is collected, \$4.50
23 of the fee shall be deposited into the Circuit Court Clerk
24 Operation and Administrative Fund created by the Clerk of the
25 Circuit Court and 50 cents of the fee shall be deposited into
26 the Prisoner Review Board Vehicle and Equipment Fund in the

1 State treasury.

2 (m) The provisions of paragraph (c) shall not apply to a
3 defendant charged with violating Section 6-303 of the Illinois
4 Vehicle Code or a similar provision of a local ordinance when
5 the suspension was for a violation of Section 11-501.1 of the
6 Illinois Vehicle Code and when:

7 (1) at the time of the violation of Section 11-501.1 of
8 the Illinois Vehicle Code, the defendant was a first
9 offender pursuant to Section 11-500 of the Illinois Vehicle
10 Code and the defendant failed to obtain a monitoring device
11 driving permit; or

12 (2) at the time of the violation of Section 11-501.1 of
13 the Illinois Vehicle Code, the defendant was a first
14 offender pursuant to Section 11-500 of the Illinois Vehicle
15 Code, had subsequently obtained a monitoring device
16 driving permit, but was driving a vehicle not equipped with
17 a breath alcohol ignition interlock device as defined in
18 Section 1-129.1 of the Illinois Vehicle Code.

19 (Source: P.A. 93-388, eff. 7-25-03; 93-1014, eff. 1-1-05;
20 94-169, eff. 1-1-06; 94-330, eff. 1-1-06; 94-375, eff. 1-1-06;
21 94-1009, eff. 1-1-07.)".

22 Section 99. Effective date. This Act takes effect on
23 January 1, 2009.".