

SB2773



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB2773

Introduced 2/15/2008, by Sen. Dan Kotowski

SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-501

from Ch. 95 1/2, par. 11-501

Amends the Illinois Vehicle Code. Provides that a person who commits the offense of driving under the influence during a period in which his or her driving privileges are revoked or suspended, where the revocation or suspension was for driving under the influence or a similar provision of the law of another jurisdiction is guilty of a Class 4 felony. Effective immediately.

LRB095 19927 RLC 46346 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning transportation.

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

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

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

7 (Text of Section before amendment by P.A. 95-400 and
8 95-578)

9 (Text of Section from P.A. 93-1093, 94-963, 95-149, and
10 95-355)

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

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

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

19 (2) under the influence of alcohol;

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

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

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, an intoxicating
11 compound listed in the Use of Intoxicating Compounds Act,
12 or methamphetamine as listed in the Methamphetamine
13 Control and Community Protection Act.

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

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

20 (1) Any reference to a prior violation of subsection
21 (a) or a similar provision includes any violation of a
22 provision of a local ordinance or a provision of a law of
23 another state or an offense committed on a military
24 installation that is similar to a violation of subsection
25 (a) of this Section.

26 (2) Any penalty imposed for driving with a license that

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

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

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

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

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

24 (c) (Blank).

25 (c-1) (1) A person who violates subsection (a) during a
26 period in which his or her driving privileges are revoked

1 or suspended, where the revocation or suspension was for a
2 violation of subsection (a) or a similar provision, Section
3 11-501.1, paragraph (b) of Section 11-401, or for reckless
4 homicide as defined in Section 9-3 of the Criminal Code of
5 1961 is guilty of a Class 4 felony.

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

21 (2.2) A person who violates subsection (a), if the
22 violation occurs during a period in which his or her
23 driving privileges are revoked or suspended where the
24 revocation or suspension was for a violation of subsection
25 (a) or Section 11-501.1, shall also be sentenced to an
26 additional mandatory minimum term of 30 consecutive days of

1 imprisonment, 40 days of 24-hour periodic imprisonment, or
2 720 hours of community service, as may be determined by the
3 court. This mandatory term of imprisonment or assignment of
4 community service shall not be suspended or reduced by the
5 court.

6 (3) A person who violates subsection (a) a fourth or
7 subsequent time, if the fourth or subsequent violation
8 occurs during a period in which his or her driving
9 privileges are revoked or suspended where the revocation or
10 suspension was for a violation of subsection (a), Section
11 11-501.1, paragraph (b) of Section 11-401, or for reckless
12 homicide as defined in Section 9-3 of the Criminal Code of
13 1961, is guilty of a Class 2 felony and is not eligible for
14 a sentence of probation or conditional discharge.

15 (c-2) (Blank).

16 (c-3) (Blank).

17 (c-4) (Blank).

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

1 the person eligible for a reduced sentence.

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

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

25 (4) Any person convicted of violating subdivision
26 (c-5)(2) or a similar provision within 5 years of a

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

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

22 (6) Any person convicted of violating subdivision
23 (c-5)(5) or a similar provision a third time within 20
24 years of a previous violation of subsection (a) or a
25 similar provision is guilty of a Class 4 felony and shall
26 receive, in addition to any other penalty imposed, an

1 additional mandatory 40 hours of community service in a
2 program benefiting children, an additional mandatory fine
3 of \$3,000, and a mandatory minimum 120 days of
4 imprisonment. The imprisonment or assignment of community
5 service under this subdivision (c-5)(6) is not subject to
6 suspension, nor is the person eligible for a reduced
7 sentence.

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

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

1 mandatory minimum fine of \$500.

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

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

25 (4) Any person convicted of a fourth or subsequent
26 violation of subsection (a) or a similar provision, if at

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

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

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

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

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

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

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

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

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

1 cause of the death.

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

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

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

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

26 (f) Every person found guilty of violating this Section,

1 whose operation of a motor vehicle while in violation of this
2 Section proximately caused any incident resulting in an
3 appropriate emergency response, shall be liable for the expense
4 of an emergency response as provided in subsection (m) of this
5 Section.

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

9 (h) (Blank).

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

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

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

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

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

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

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

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

1 response by a police officer, a firefighter carried on the
2 rolls of a regularly constituted fire department, or an
3 ambulance.

4 (Source: P.A. 93-1093, eff. 3-29-05; 94-963, eff. 6-28-06;
5 95-149, eff. 8-14-07; 95-355, eff. 1-1-08; revised 11-28-07.)

6 (Text of Section from P.A. 94-110, 94-963, 95-149, and
7 95-355)

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, an intoxicating
6 compound listed in the Use of Intoxicating Compounds Act,
7 or methamphetamine as listed in the Methamphetamine
8 Control and Community Protection Act.

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

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

15 (1) Any reference to a prior violation of subsection
16 (a) or a similar provision includes any violation of a
17 provision of a local ordinance or a provision of a law of
18 another state or an offense committed on a military
19 installation that is similar to a violation of subsection
20 (a) of this Section.

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

25 (b-2) Except as otherwise provided in this Section, any
26 person convicted of violating subsection (a) of this Section is

1 guilty of a Class A misdemeanor.

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

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

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

19 (c) (Blank).

20 (c-1) (1) A person who violates subsection (a) during a
21 period in which his or her driving privileges are revoked
22 or suspended, where the revocation or suspension was for a
23 violation of subsection (a) or a similar provision, Section
24 11-501.1, paragraph (b) of Section 11-401, or for reckless
25 homicide as defined in Section 9-3 of the Criminal Code of
26 1961 is guilty of a Class 4 felony.

1 (2) A person who violates subsection (a) a third time,
2 if the third violation occurs during a period in which his
3 or her driving privileges are revoked or suspended where
4 the revocation or suspension was for a violation of
5 subsection (a), Section 11-501.1, paragraph (b) of Section
6 11-401, or for reckless homicide as defined in Section 9-3
7 of the Criminal Code of 1961, is guilty of a Class 3
8 felony; and if the person receives a term of probation or
9 conditional discharge, he or she shall be required to serve
10 a mandatory minimum of 10 days of imprisonment or shall be
11 assigned a mandatory minimum of 480 hours of community
12 service, as may be determined by the court, as a condition
13 of the probation or conditional discharge. This mandatory
14 minimum term of imprisonment or assignment of community
15 service shall not be suspended or 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) Except as provided in subsection (c-5.1), a person 21
14 years of age or older who violates subsection (a), if the
15 person was transporting a person under the age of 16 at the
16 time of the violation, is subject to 6 months of imprisonment,
17 an additional mandatory minimum fine of \$1,000, and 25 days of
18 community service in a program benefiting children. The
19 imprisonment or assignment of community service under this
20 subsection (c-5) is not subject to suspension, nor is the
21 person eligible for a reduced sentence.

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

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

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

19 (c-7) Except as provided in subsection (c-7.1), any person
20 21 years of age or older convicted of violating subsection
21 (c-6) or a similar provision within 10 years of a previous
22 violation of subsection (a) or a similar provision is guilty of
23 a Class 4 felony and, in addition to any other penalty imposed,
24 is subject to one year of imprisonment, 25 days of mandatory
25 community service in a program benefiting children, and a
26 mandatory fine of \$2,500. The imprisonment or assignment of

1 community service under this subsection (c-7) is not subject to
2 suspension, nor is the person eligible for a reduced sentence.

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

15 (c-8) (Blank).

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

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

1 within 20 years of a previous violation of subsection (a) or a
2 similar provision is guilty of a Class 3 felony and, in
3 addition to any other penalty imposed, is subject to 3 years of
4 imprisonment, 25 days of community service in a program
5 benefiting children, and a mandatory fine of \$25,000. The
6 imprisonment or assignment of community service under this
7 subsection (c-10) is not subject to suspension, nor is the
8 person eligible for a reduced sentence.

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

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

1 hours of community service and a mandatory minimum fine of
2 \$500.

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

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

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

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

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

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

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

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

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

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

26 (2) Except as provided in this paragraph (2), a person

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

1 reduced by the court.

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

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

24 (f) Every person found guilty of violating this Section,
25 whose operation of a motor vehicle while in violation of this
26 Section proximately caused any incident resulting in an

1 appropriate emergency response, shall be liable for the expense
2 of an emergency response as provided in subsection (m) of this
3 Section.

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

7 (h) (Blank).

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

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

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

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

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

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

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

1 ambulance.

2 (Source: P.A. 94-110, eff. 1-1-06; 94-963, eff. 6-28-06;
3 95-149, eff. 8-14-07; 95-355, eff. 1-1-08; revised 11-28-07.)

4 (Text of Section from P.A. 94-113, 94-609, 94-963, 95-149,
5 and 95-355)

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, an intoxicating
4 compound listed in the Use of Intoxicating Compounds Act,
5 or methamphetamine as listed in the Methamphetamine
6 Control and Community Protection 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 or an offense committed on a military
17 installation that is similar to a violation of subsection
18 (a) of this Section.

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

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

26 (b-3) In addition to any other criminal or administrative

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

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

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

17 (c) (Blank).

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

25 (2) A person who violates subsection (a) a third time,
26 if the third violation occurs during a period in which his

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

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

23 (2.2) A person who violates subsection (a), if the
24 violation occurs during a period in which his or her
25 driving privileges are revoked or suspended where the
26 revocation or suspension was for a violation of subsection

1 (a) or Section 11-501.1, shall also be sentenced to an
2 additional mandatory minimum term of 30 consecutive days of
3 imprisonment, 40 days of 24-hour periodic imprisonment, or
4 720 hours of community service, as may be determined by the
5 court. This mandatory term of imprisonment or assignment of
6 community service shall not be suspended or reduced by the
7 court.

8 (3) A person who violates subsection (a) a fourth or
9 subsequent time, if the fourth or subsequent violation
10 occurs during a period in which his or her driving
11 privileges are revoked or suspended where the revocation or
12 suspension was for a violation of subsection (a), Section
13 11-501.1, paragraph (b) of Section 11-401, or for reckless
14 homicide as defined in Section 9-3 of the Criminal Code of
15 1961, is guilty of a Class 2 felony and is not eligible for
16 a sentence of probation or conditional 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 4 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 4 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 or subsequent time for
5 violating subsection (a) or a similar provision, if at the time
6 of the fourth or subsequent violation the person was
7 transporting a person under the age of 16, and if the person's
8 3 prior violations of subsection (a) or a similar provision
9 occurred while transporting a person under the age of 16 or
10 while the alcohol concentration in his or her blood, breath, or
11 urine was 0.16 or more based on the definition of blood,
12 breath, or urine units in Section 11-501.2, is guilty of a
13 Class 2 felony, is not eligible for probation or conditional
14 discharge, and is subject to a minimum 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 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, unless the court determines that extraordinary
8 circumstances exist and require probation, shall be
9 sentenced to: (A) a term of imprisonment of not less than 3
10 years and not more than 14 years if the violation resulted
11 in the death of one person; or (B) a term of imprisonment
12 of not less than 6 years and not more than 28 years if the
13 violation resulted in the deaths of 2 or more persons. For
14 any prosecution under this subsection (d), a certified copy
15 of the driving abstract of the defendant shall be admitted
16 as proof of any prior conviction. Any person sentenced
17 under this subsection (d) who receives a term of probation
18 or conditional discharge must serve a minimum term of
19 either 480 hours of community service or 10 days of
20 imprisonment as a condition of the probation or conditional
21 discharge. This mandatory minimum term of imprisonment or
22 assignment of community service may not be suspended or
23 reduced by the court.

24 (e) After a finding of guilt and prior to any final
25 sentencing, or an order for supervision, for an offense based
26 upon an arrest for a violation of this Section or a similar

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

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

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

26 (g) The Secretary of State shall revoke the driving

1 privileges of any person convicted under this Section or a
2 similar provision of a local ordinance.

3 (h) (Blank).

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

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

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

26 (k) The Secretary of State Police DUI Fund is created as a

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

16 (1) Whenever an individual is sentenced for an offense
17 based upon an arrest for a violation of subsection (a) or a
18 similar provision of a local ordinance, and the professional
19 evaluation recommends remedial or rehabilitative treatment or
20 education, neither the treatment nor the education shall be the
21 sole disposition and either or both may be imposed only in
22 conjunction with another disposition. The court shall monitor
23 compliance with any remedial education or treatment
24 recommendations contained in the professional evaluation.
25 Programs conducting alcohol or other drug evaluation or
26 remedial education must be licensed by the Department of Human

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

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

24 (Source: P.A. 94-113, eff. 1-1-06; 94-609, eff. 1-1-06; 94-963,
25 eff. 6-28-06; 95-149, eff. 8-14-07; 95-355, eff. 1-1-08;
26 revised 11-28-07.)

1 (Text of Section from P.A. 94-114, 94-963, 95-149, and
2 95-355)

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

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

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

11 (2) under the influence of alcohol;

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

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

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

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

1 compound listed in the Use of Intoxicating Compounds Act,
2 or methamphetamine as listed in the Methamphetamine
3 Control and Community Protection Act.

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

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

10 (1) Any reference to a prior violation of subsection
11 (a) or a similar provision includes any violation of a
12 provision of a local ordinance or a provision of a law of
13 another state or an offense committed on a military
14 installation 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) or a similar provision, Section
19 11-501.1, paragraph (b) of Section 11-401, or for reckless
20 homicide as defined in Section 9-3 of the Criminal Code of
21 1961 is guilty of a Class 4 felony.

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

1 11-401, or for reckless homicide as defined in Section 9-3
2 of the Criminal Code of 1961, is guilty of a Class 3
3 felony.

4 (2.1) A person who violates subsection (a) a third
5 time, if the third violation occurs during a period in
6 which his or her driving privileges are revoked or
7 suspended where the revocation or suspension was for a
8 violation of subsection (a), Section 11-501.1, subsection
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 3 felony; and if the person receives a term of
12 probation or conditional discharge, he or she shall be
13 required to serve a mandatory minimum of 10 days of
14 imprisonment or shall be assigned a mandatory minimum of
15 480 hours of community service, as may be determined by the
16 court, as a condition of the probation or conditional
17 discharge. This mandatory minimum term of imprisonment or
18 assignment of community service shall not be suspended or
19 reduced by the court.

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

1 720 hours of community service, as may be determined by the
2 court. This mandatory term of imprisonment or assignment of
3 community service shall not be suspended or reduced by the
4 court.

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

14 (c-2) (Blank).

15 (c-3) (Blank).

16 (c-4) (Blank).

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

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

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

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

21 (c-8) Any person convicted of violating subsection (c-6) or
22 a similar provision within 5 years of a previous violation of
23 subsection (a) or a similar provision shall receive, in
24 addition to any other penalty imposed, an additional 80 hours
25 of mandatory community service in a program benefiting
26 children, an additional mandatory minimum 12 days of

1 imprisonment, and a mandatory minimum fine of \$1,750. The
2 imprisonment or assignment of community service under this
3 subsection (c-8) is not subject to suspension, nor is the
4 person eligible for a reduced sentence.

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

16 (c-10) Any person convicted of violating subsection (c-9)
17 or a similar provision a third time within 20 years of a
18 previous violation of subsection (a) or a similar provision is
19 guilty of a Class 4 felony and shall receive, in addition to
20 any other penalty imposed, an additional mandatory 40 hours of
21 community service in a program benefiting children, an
22 additional mandatory fine of \$3,000, and a mandatory minimum
23 120 days of imprisonment. The imprisonment or assignment of
24 community service under this subsection (c-10) is not subject
25 to suspension, nor is the person eligible for a reduced
26 sentence.

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

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

20 (c-13) Any person convicted of a second violation of
21 subsection (a) or a similar provision committed within 10 years
22 of a previous violation of subsection (a) or a similar
23 provision committed within 10 years of a previous violation of
24 subsection (a) or a similar provision, if at the time of the
25 second violation of subsection (a) the alcohol concentration in
26 his or her blood, breath, or urine was 0.16 or more based on

1 the definition of blood, breath, or urine units in Section
2 11-501.2, shall be subject, in addition to any other penalty
3 that may be imposed, to a mandatory minimum of 2 days of
4 imprisonment and a mandatory minimum fine of \$1,250.

5 (c-14) Any person convicted of a third violation of
6 subsection (a) or a similar provision within 20 years of a
7 previous violation of subsection (a) or a similar provision, if
8 at the time of the third violation of subsection (a) or a
9 similar provision the alcohol concentration in his or her
10 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 4 felony and shall be subject,
13 in addition to any other penalty that may be imposed, to a
14 mandatory minimum of 90 days of imprisonment and a mandatory
15 minimum fine of \$2,500.

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

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

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

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

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

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

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

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

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

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

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

20 (2) Except as provided in this paragraph (2), a person
21 convicted of aggravated driving under the influence of
22 alcohol, other drug or drugs, or intoxicating compound or
23 compounds, or any combination thereof is guilty of a Class
24 4 felony. For a violation of subparagraph (C) of paragraph
25 (1) of this subsection (d), the defendant, if sentenced to
26 a term of imprisonment, shall be sentenced to not less than

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

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

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

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

18 (f) Every person found guilty of violating this Section,
19 whose operation of a motor vehicle while in violation of this
20 Section proximately caused any incident resulting in an
21 appropriate emergency response, shall be liable for the expense
22 of an emergency response as provided in subsection (m) of this
23 Section.

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

1 (h) (Blank).

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

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

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

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

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

1 evaluation or remedial education program in the individual's
2 state of residence. Programs providing treatment must be
3 licensed under existing applicable alcoholism and drug
4 treatment licensure standards.

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

22 (Source: P.A. 94-114, eff. 1-1-06; 94-963, eff. 6-28-06;
23 95-149, eff. 8-14-07; 95-355, eff. 1-1-08; revised 11-28-07.)

24 (Text of Section from P.A. 94-116, 94-963, 95-149, and
25 95-355)

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

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

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

9 (2) under the influence of alcohol;

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

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

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

19 (6) there is any amount of a drug, substance, or
20 compound in the person's breath, blood, or urine resulting
21 from the unlawful use or consumption of cannabis listed in
22 the Cannabis Control Act, a controlled substance listed in
23 the Illinois Controlled Substances Act, an intoxicating
24 compound listed in the Use of Intoxicating Compounds Act,
25 or methamphetamine as listed in the Methamphetamine
26 Control and Community Protection 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 or an offense committed on a military
11 installation that is similar to a violation of subsection
12 (a) of this Section.

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

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

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

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

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

11 (c) (Blank).

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

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

21 (2.1) A person who violates subsection (a) a third
22 time, if the third violation occurs during a period in
23 which his or her driving privileges are revoked or
24 suspended where the revocation or suspension was for a
25 violation of subsection (a), Section 11-501.1, subsection
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 if the person receives a term of
3 probation or conditional discharge, he or she shall be
4 required to serve a mandatory minimum of 10 days of
5 imprisonment or shall be assigned a mandatory minimum of
6 480 hours of community service, as may be determined by the
7 court, as a condition of the probation or conditional
8 discharge. This mandatory minimum term of imprisonment or
9 assignment of community service shall not be suspended or
10 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 time
23 is guilty of a Class 2 felony and is not eligible for a
24 sentence of probation or conditional discharge.

25 (4) A person who violates subsection (a) a fifth or
26 subsequent time is guilty of a Class 1 felony and is not

1 eligible for a sentence of probation or conditional
2 discharge.

3 (c-2) (Blank).

4 (c-3) (Blank).

5 (c-4) (Blank).

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

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

26 (c-7) Except as provided in subsection (c-8), any person

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

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

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

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

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

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

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

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

20 (c-14) Any person convicted of a third violation of
21 subsection (a) or a similar provision within 20 years of a
22 previous violation of subsection (a) or a similar provision, if
23 at the time of the third violation of subsection (a) or a
24 similar provision the alcohol concentration in his or her
25 blood, breath, or urine was 0.16 or more based on the
26 definition of blood, breath, or urine units in Section

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

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

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

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

26 (B) the person committed a violation of subsection

1 (a) while driving a school bus with persons 18 years of
2 age or younger on board;

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

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

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

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

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

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

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

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

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

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

20 (h) (Blank).

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

1 system.

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

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

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

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

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

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

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

15 (Source: P.A. 94-116, eff. 1-1-06; 94-963, eff. 6-28-06;
16 95-149, eff. 8-14-07; 95-355, eff. 1-1-08; revised 11-28-07.)

17 (Text of Section from P.A. 94-329, 94-963, 95-149, and
18 95-355)

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

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

24 (1) the alcohol concentration in the person's blood or
25 breath is 0.08 or more based on the definition of blood and

1 breath units in Section 11-501.2;

2 (2) under the influence of alcohol;

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

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

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

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

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

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

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

1 (a) or a similar provision includes any violation of a
2 provision of a local ordinance or a provision of a law of
3 another state or an offense committed on a military
4 installation 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) or a similar provision, Section
9 11-501.1, paragraph (b) of Section 11-401, or for reckless
10 homicide as defined in Section 9-3 of the Criminal Code of
11 1961 is guilty of aggravated driving under the influence of
12 alcohol, other drug or drugs, intoxicating compound or
13 compounds, or any combination thereof and is guilty of a
14 Class 4 felony.

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

25 (2.1) A person who violates subsection (a) a third
26 time, if the third violation occurs during a period in

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

17 (2.2) A person who violates subsection (a), if the
18 violation occurs during a period in which his or her
19 driving privileges are revoked or suspended where the
20 revocation or suspension was for a violation of subsection
21 (a) or Section 11-501.1, is guilty of aggravated driving
22 under the influence of alcohol, other drug or drugs,
23 intoxicating compound or compounds, or any combination
24 thereof and shall also be sentenced to an additional
25 mandatory minimum term of 30 consecutive days of
26 imprisonment, 40 days of 24-hour periodic imprisonment, or

1 720 hours of community service, as may be determined by the
2 court. This mandatory term of imprisonment or assignment of
3 community service shall not be suspended or reduced by the
4 court.

5 (3) A person who violates subsection (a) a fourth or
6 subsequent time, if the fourth or subsequent violation
7 occurs during a period in which his or her driving
8 privileges are revoked or suspended where the revocation or
9 suspension was for a violation of subsection (a), Section
10 11-501.1, paragraph (b) of Section 11-401, or for reckless
11 homicide as defined in Section 9-3 of the Criminal Code of
12 1961, is guilty of aggravated driving under the influence
13 of alcohol, other drug or drugs, intoxicating compound or
14 compounds, or any combination thereof and is guilty of a
15 Class 2 felony, and is not eligible for a sentence of
16 probation or conditional 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 4 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 4 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 or subsequent time for
5 violating subsection (a) or a similar provision, if at the time
6 of the fourth or subsequent violation the person was
7 transporting a person under the age of 16, and if the person's
8 3 prior violations of subsection (a) or a similar provision
9 occurred while transporting a person under the age of 16 or
10 while the alcohol concentration in his or her blood, breath, or
11 urine was 0.16 or more based on the definition of blood,
12 breath, or urine units in Section 11-501.2, is guilty of a
13 Class 2 felony, is not eligible for probation or conditional
14 discharge, and is subject to a minimum 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 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 (G) the person committed the violation while he or
22 she did not possess a driver's license or permit or a
23 restricted driving permit or a judicial driving
24 permit; or

25 (H) the person committed the violation while he or
26 she knew or should have known that the vehicle he or

1 she was driving was not covered by a liability
2 insurance policy.

3 (2) Except as provided in this paragraph (2) and in
4 paragraphs (2), (2.1), and (3) of subsection (c-1), a
5 person convicted of aggravated driving under the influence
6 of alcohol, other drug or drugs, or intoxicating compound
7 or compounds, or any combination thereof is guilty of a
8 Class 4 felony. For a violation of subparagraph (C) of
9 paragraph (1) of this subsection (d), the defendant, if
10 sentenced to a term of imprisonment, shall be sentenced to
11 not less than one year nor more than 12 years. Aggravated
12 driving under the influence of alcohol, other drug or
13 drugs, or intoxicating compound or compounds, or any
14 combination thereof as defined in subparagraph (F) of
15 paragraph (1) of this subsection (d) is a Class 2 felony,
16 for which the defendant, if sentenced to a term of
17 imprisonment, shall be sentenced to: (A) a term of
18 imprisonment of not less than 3 years and not more than 14
19 years if the violation resulted in the death of one person;
20 or (B) a term of imprisonment of not less than 6 years and
21 not more than 28 years if the violation resulted in the
22 deaths of 2 or more persons. For any prosecution under this
23 subsection (d), a certified copy of the driving abstract of
24 the defendant shall be admitted as proof of any prior
25 conviction. Any person sentenced under this subsection (d)
26 who receives a term of probation or conditional discharge

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

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

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

1 determined by the court.

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

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

11 (h) (Blank).

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

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

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

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

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

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

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

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

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

6 (Source: P.A. 94-329, eff. 1-1-06; 94-963, eff. 6-28-06;
7 95-149, eff. 8-14-07; 95-355, eff. 1-1-08; revised 11-28-07.)

8 (Text of Section after amendment by P.A. 95-578)

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

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

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

17 (2) under the influence of alcohol;

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

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

24 (5) under the combined influence of alcohol, other drug
25 or drugs, or intoxicating compound or compounds to a degree

1 that renders the person incapable of safely driving; or

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

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

15 (c) Penalties.

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

19 (2) A person who violates subsection (a) or a similar
20 provision a second time shall be sentenced to a mandatory
21 minimum term of either 5 days of imprisonment or 240 hours
22 of community service in addition to any other criminal or
23 administrative sanction.

24 (3) A person who violates subsection (a) is subject to
25 6 months of imprisonment, an additional mandatory minimum
26 fine of \$1,000, and 25 days of community service in a

1 program benefiting children if the person was transporting
2 a person under the age of 16 at the time of the violation.

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

10 (5) A person who violates subsection (a) a second time,
11 if at the time of the second violation the alcohol
12 concentration in his or her blood, breath, or urine was
13 0.16 or more based on the definition of blood, breath, or
14 urine units in Section 11-501.2, shall be subject, in
15 addition to any other penalty that may be imposed, to a
16 mandatory minimum of 2 days of imprisonment and a mandatory
17 minimum fine of \$1,250.

18 (d) Aggravated driving under the influence of alcohol,
19 other drug or drugs, or intoxicating compound or compounds, or
20 any combination thereof.

21 (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;

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 (G) the person committed a violation of subsection
11 (a) during a period in which the defendant's driving
12 privileges are revoked or suspended, where the
13 revocation or suspension was for a violation of
14 subsection (a) or a similar provision, Section
15 11-501.1, paragraph (b) of Section 11-401, or for
16 reckless homicide as defined in Section 9-3 of the
17 Criminal Code of 1961;

18 (H) the person committed the violation while he or
19 she did not possess a driver's license or permit or a
20 restricted driving permit or a judicial driving
21 permit;

22 (I) the person committed the violation while he or
23 she knew or should have known that the vehicle he or
24 she was driving was not covered by a liability
25 insurance policy;

26 (J) the person in committing a violation of

1 subsection (a) was involved in a motor vehicle accident
2 that resulted in bodily harm, but not great bodily
3 harm, to the child under the age of 16 being
4 transported by the person, if the violation was the
5 proximate cause of the injury; or

6 (K) the person in committing a second violation of
7 subsection (a) or a similar provision was transporting
8 a person under the age of 16.

9 (2) (A) Except as provided otherwise, a person
10 convicted of aggravated driving under the influence of
11 alcohol, other drug or drugs, or intoxicating compound or
12 compounds, or any combination thereof is guilty of a Class
13 4 felony.

14 (B) A third violation of this Section or a similar
15 provision is a Class 2 felony. If at the time of the third
16 violation the alcohol concentration in his or her blood,
17 breath, or urine was 0.16 or more based on the definition
18 of blood, breath, or urine units in Section 11-501.2, a
19 mandatory minimum of 90 days of imprisonment and a
20 mandatory minimum fine of \$2,500 shall be imposed in
21 addition to any other criminal or administrative sanction.
22 If at the time of the third violation, the defendant was
23 transporting a person under the age of 16, a mandatory fine
24 of \$25,000 and 25 days of community service in a program
25 benefiting children shall be imposed in addition to any
26 other criminal or administrative sanction.

1 (C) A fourth violation of this Section or a similar
2 provision is a Class 2 felony, for which a sentence of
3 probation or conditional discharge may not be imposed. If
4 at the time of the violation, the alcohol concentration in
5 the defendant's blood, breath, or urine was 0.16 or more
6 based on the definition of blood, breath, or urine units in
7 Section 11-501.2, a mandatory minimum fine of \$5,000 shall
8 be imposed in addition to any other criminal or
9 administrative sanction. If at the time of the fourth
10 violation, the defendant was transporting a person under
11 the age of 16 a mandatory fine of \$25,000 and 25 days of
12 community service in a program benefiting children shall be
13 imposed in addition to any other criminal or administrative
14 sanction.

15 (D) A fifth violation of this Section or a similar
16 provision is a Class 1 felony, for which a sentence of
17 probation or conditional discharge may not be imposed. If
18 at the time of the violation, the alcohol concentration in
19 the defendant's blood, breath, or urine was 0.16 or more
20 based on the definition of blood, breath, or urine units in
21 Section 11-501.2, a mandatory minimum fine of \$5,000 shall
22 be imposed in addition to any other criminal or
23 administrative sanction. If at the time of the fifth
24 violation, the defendant was transporting a person under
25 the age of 16, a mandatory fine of \$25,000, and 25 days of
26 community service in a program benefiting children shall be

1 imposed in addition to any other criminal or administrative
2 sanction.

3 (E) A sixth or subsequent violation of this Section or
4 similar provision is a Class X felony. If at the time of
5 the violation, the alcohol concentration in the
6 defendant's blood, breath, or urine was 0.16 or more based
7 on the definition of blood, breath, or urine units in
8 Section 11-501.2, a mandatory minimum fine of \$5,000 shall
9 be imposed in addition to any other criminal or
10 administrative sanction. If at the time of the violation,
11 the defendant was transporting a person under the age of
12 16, a mandatory fine of \$25,000 and 25 days of community
13 service in a program benefiting children shall be imposed
14 in addition to any other criminal or administrative
15 sanction.

16 (F) For a violation of subparagraph (C) of paragraph
17 (1) of this subsection (d), the defendant, if sentenced to
18 a term of imprisonment, shall be sentenced to not less than
19 one year nor more than 12 years.

20 (G) A violation of subparagraph (F) of paragraph (1) of
21 this subsection (d) is a Class 2 felony, for which the
22 defendant, unless the court determines that extraordinary
23 circumstances exist and require probation, shall be
24 sentenced to: (i) a term of imprisonment of not less than 3
25 years and not more than 14 years if the violation resulted
26 in the death of one person; or (ii) a term of imprisonment

1 of not less than 6 years and not more than 28 years if the
2 violation resulted in the deaths of 2 or more persons.

3 (H) For a violation of subparagraph (J) of paragraph
4 (1) of this subsection (d), a mandatory fine of \$2,500, and
5 25 days of community service in a program benefiting
6 children shall be imposed in addition to any other criminal
7 or administrative sanction.

8 (I) A violation of subparagraph (K) of paragraph (1) of
9 this subsection (d), is a Class 2 felony and a mandatory
10 fine of \$2,500, and 25 days of community service in a
11 program benefiting children shall be imposed in addition to
12 any other criminal or administrative sanction. If the child
13 being transported suffered bodily harm, but not great
14 bodily harm, in a motor vehicle accident, and the violation
15 was the proximate cause of that injury, a mandatory fine of
16 \$5,000 and 25 days of community service in a program
17 benefiting children shall be imposed in addition to any
18 other criminal or administrative sanction.

19 (3) Any person sentenced under this subsection (d) who
20 receives a term of probation or conditional discharge must
21 serve a minimum term of either 480 hours of community
22 service or 10 days of imprisonment as a condition of the
23 probation or conditional discharge in addition to any other
24 criminal or administrative sanction.

25 (e) Any reference to a prior violation of subsection (a) or
26 a similar provision includes any violation of a provision of a

1 local ordinance or a provision of a law of another state or an
2 offense committed on a military installation that is similar to
3 a violation of subsection (a) of this Section.

4 (f) The imposition of a mandatory term of imprisonment or
5 assignment of community service for a violation of this Section
6 shall not be suspended or reduced by the court.

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

11 (h) For any prosecution under this Section, a certified
12 copy of the driving abstract of the defendant shall be admitted
13 as proof of any prior conviction. ~~in subsection (m) of this~~
14 ~~Section~~

15 (Source: P.A. 94-110, eff. 1-1-06; 94-113, eff. 1-1-06; 94-114,
16 eff. 1-1-06; 94-116, eff. 1-1-06; 94-329, eff. 1-1-06; 94-609,
17 eff. 1-1-06; 94-963, eff. 6-28-06; 95-149, eff. 8-14-07;
18 95-355, eff. 1-1-08; 95-578, eff. 6-1-08; revised 11-28-07.)

19 (Text of Section after amendment by P.A. 95-400)

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

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

25 (1) the alcohol concentration in the person's blood or

1 breath is 0.08 or more based on the definition of blood and
2 breath units in Section 11-501.2;

3 (2) under the influence of alcohol;

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

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

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

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

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

4 (2) A person who violates subsection (a) or a similar
5 provision a second time shall be sentenced to a mandatory
6 minimum term of either 5 days of imprisonment or 240 hours
7 of community service in addition to any other criminal or
8 administrative sanction.

9 (3) A person who violates subsection (a) is subject to
10 6 months of imprisonment, an additional mandatory minimum
11 fine of \$1,000, and 25 days of community service in a
12 program benefiting children if the person was transporting
13 a person under the age of 16 at the time of the violation.

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

21 (5) A person who violates subsection (a) a second time,
22 if at the time of the second violation the alcohol
23 concentration in his or her blood, breath, or urine was
24 0.16 or more based on the definition of blood, breath, or
25 urine units in Section 11-501.2, shall be subject, in
26 addition to any other penalty that may be imposed, to a

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

3 (d) Aggravated driving under the influence of alcohol,
4 other drug or drugs, or intoxicating compound or compounds, or
5 any combination thereof.

6 (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;

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 (G) the person committed a violation of subsection
22 (a) during a period in which the defendant's driving
23 privileges are revoked or suspended, where the
24 revocation or suspension was for a violation of
25 subsection (a) or a similar provision, Section
26 11-501.1, paragraph (b) of Section 11-401, or for

1 reckless homicide as defined in Section 9-3 of the
2 Criminal Code of 1961;

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

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

11 (J) the person in committing a violation of
12 subsection (a) was involved in a motor vehicle accident
13 that resulted in bodily harm, but not great bodily
14 harm, to the child under the age of 16 being
15 transported by the person, if the violation was the
16 proximate cause of the injury; or

17 (K) the person in committing a second violation of
18 subsection (a) or a similar provision was transporting
19 a person under the age of 16.

20 (2) (A) Except as provided otherwise, a person
21 convicted of aggravated driving under the influence of
22 alcohol, other drug or drugs, or intoxicating compound or
23 compounds, or any combination thereof is guilty of a Class
24 4 felony.

25 (B) A third violation of this Section or a similar
26 provision is a Class 2 felony. If at the time of the third

1 violation the alcohol concentration in his or her blood,
2 breath, or urine was 0.16 or more based on the definition
3 of blood, breath, or urine units in Section 11-501.2, a
4 mandatory minimum of 90 days of imprisonment and a
5 mandatory minimum fine of \$2,500 shall be imposed in
6 addition to any other criminal or administrative sanction.
7 If at the time of the third violation, the defendant was
8 transporting a person under the age of 16, a mandatory fine
9 of \$25,000 and 25 days of community service in a program
10 benefiting children shall be imposed in addition to any
11 other criminal or administrative sanction.

12 (C) A fourth violation of this Section or a similar
13 provision is a Class 2 felony, for which a sentence of
14 probation or conditional discharge may not be imposed. If
15 at the time of the violation, the alcohol concentration in
16 the defendant's blood, breath, or urine was 0.16 or more
17 based on the definition of blood, breath, or urine units in
18 Section 11-501.2, a mandatory minimum fine of \$5,000 shall
19 be imposed in addition to any other criminal or
20 administrative sanction. If at the time of the fourth
21 violation, the defendant was transporting a person under
22 the age of 16 a mandatory fine of \$25,000 and 25 days of
23 community service in a program benefiting children shall be
24 imposed in addition to any other criminal or administrative
25 sanction.

26 (D) A fifth violation of this Section or a similar

1 provision is a Class 1 felony, for which a sentence of
2 probation or conditional discharge may not be imposed. If
3 at the time of the violation, the alcohol concentration in
4 the defendant's blood, breath, or urine was 0.16 or more
5 based on the definition of blood, breath, or urine units in
6 Section 11-501.2, a mandatory minimum fine of \$5,000 shall
7 be imposed in addition to any other criminal or
8 administrative sanction. If at the time of the fifth
9 violation, the defendant was transporting a person under
10 the age of 16, a mandatory fine of \$25,000, and 25 days of
11 community service in a program benefiting children shall be
12 imposed in addition to any other criminal or administrative
13 sanction.

14 (E) A sixth or subsequent violation of this Section or
15 similar provision is a Class X felony. If at the time of
16 the violation, the alcohol concentration in the
17 defendant's blood, breath, or urine was 0.16 or more based
18 on the definition of blood, breath, or urine units in
19 Section 11-501.2, a mandatory minimum fine of \$5,000 shall
20 be imposed in addition to any other criminal or
21 administrative sanction. If at the time of the violation,
22 the defendant was transporting a person under the age of
23 16, a mandatory fine of \$25,000 and 25 days of community
24 service in a program benefiting children shall be imposed
25 in addition to any other criminal or administrative
26 sanction.

1 (F) For a violation of subparagraph (C) of paragraph
2 (1) of this subsection (d), the defendant, if sentenced to
3 a term of imprisonment, shall be sentenced to not less than
4 one year nor more than 12 years.

5 (G) A violation of subparagraph (F) of paragraph (1) of
6 this subsection (d) is a Class 2 felony, for which the
7 defendant, unless the court determines that extraordinary
8 circumstances exist and require probation, shall be
9 sentenced to: (i) a term of imprisonment of not less than 3
10 years and not more than 14 years if the violation resulted
11 in the death of one person; or (ii) a term of imprisonment
12 of not less than 6 years and not more than 28 years if the
13 violation resulted in the deaths of 2 or more persons.

14 (H) For a violation of subparagraph (J) of paragraph
15 (1) of this subsection (d), a mandatory fine of \$2,500, and
16 25 days of community service in a program benefiting
17 children shall be imposed in addition to any other criminal
18 or administrative sanction.

19 (I) A violation of subparagraph (K) of paragraph (1) of
20 this subsection (d), is a Class 2 felony and a mandatory
21 fine of \$2,500, and 25 days of community service in a
22 program benefiting children shall be imposed in addition to
23 any other criminal or administrative sanction. If the child
24 being transported suffered bodily harm, but not great
25 bodily harm, in a motor vehicle accident, and the violation
26 was the proximate cause of that injury, a mandatory fine of

1 \$5,000 and 25 days of community service in a program
2 benefiting children shall be imposed in addition to any
3 other criminal or administrative sanction.

4 (3) Any person sentenced under this subsection (d) who
5 receives a term of probation or conditional discharge must
6 serve a minimum term of either 480 hours of community
7 service or 10 days of imprisonment as a condition of the
8 probation or conditional discharge in addition to any other
9 criminal or administrative sanction.

10 (e) Any reference to a prior violation of subsection (a) or
11 a similar provision includes any violation of a provision of a
12 local ordinance or a provision of a law of another state or an
13 offense committed on a military installation that is similar to
14 a violation of subsection (a) of this Section.

15 (f) The imposition of a mandatory term of imprisonment or
16 assignment of community service for a violation of this Section
17 shall not be suspended or reduced by the court.

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

22 (h) For any prosecution under this Section, a certified
23 copy of the driving abstract of the defendant shall be admitted
24 as proof of any prior conviction. ~~in subsection (m) of this~~
25 ~~Section~~

26 (Source: P.A. 94-110, eff. 1-1-06; 94-113, eff. 1-1-06; 94-114,

1 eff. 1-1-06; 94-116, eff. 1-1-06; 94-329, eff. 1-1-06; 94-609,
2 eff. 1-1-06; 94-963, eff. 6-28-06; 95-149, eff. 8-14-07;
3 95-355, eff. 1-1-08; 95-400, eff. 1-1-09; 95-578, eff. 6-1-08;
4 revised 11-28-07.)

5 Section 95. No acceleration or delay. Where this Act makes
6 changes in a statute that is represented in this Act by text
7 that is not yet or no longer in effect (for example, a Section
8 represented by multiple versions), the use of that text does
9 not accelerate or delay the taking effect of (i) the changes
10 made by this Act or (ii) provisions derived from any other
11 Public Act.

12 Section 99. Effective date. This Act takes effect upon
13 becoming law.