



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB4994

by Rep. Tom Cross

SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-206.2
725 ILCS 5/115-15.5 new

Amends the Illinois Vehicle Code. Provides that notwithstanding any other provision of law, any record of information recorded by an ignition interlock device installed in the vehicle of a person whose driving privilege is restricted by being prohibited from operating a motor vehicle not equipped with an ignition interlock device shall be admissible in evidence as a business record exception to the hearsay rule in any proceeding concerning an alleged violation related to an ignition interlock device, provided that the record was received by the Secretary of State from any person or entity having a legal or contractual duty to create or maintain the record. Makes a corresponding change in the Code of Criminal Procedure of 1963 and provides that the State's Attorney shall serve a copy of the report on the attorney of record for the accused, or on the accused if he or she has no attorney, before any proceeding in which the report is to be used against the accused other than at a preliminary hearing or grand jury hearing when the report may be used without having been previously served upon the accused.

LRB097 17050 HEP 62248 b

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 6-206.2 as follows:

6 (625 ILCS 5/6-206.2)

7 Sec. 6-206.2. Violations relating to an ignition interlock
8 device.

9 (a) It is unlawful for any person whose driving privilege
10 is restricted by being prohibited from operating a motor
11 vehicle not equipped with an ignition interlock device to
12 operate a motor vehicle not equipped with an ignition interlock
13 device.

14 (a-5) It is unlawful for any person whose driving privilege
15 is restricted by being prohibited from operating a motor
16 vehicle not equipped with an ignition interlock device to
17 request or solicit any other person to blow into an ignition
18 interlock device or to start a motor vehicle equipped with the
19 device for the purpose of providing the person so restricted
20 with an operable motor vehicle.

21 (b) It is unlawful to blow into an ignition interlock
22 device or to start a motor vehicle equipped with the device for
23 the purpose of providing an operable motor vehicle to a person

1 whose driving privilege is restricted by being prohibited from
2 operating a motor vehicle not equipped with an ignition
3 interlock device.

4 (c) It is unlawful to tamper with, or circumvent the
5 operation of, an ignition interlock device.

6 (d) Except as provided in subsection (c) (17) of Section
7 5-6-3.1 of the Unified Code of Corrections or by rule, no
8 person shall knowingly rent, lease, or lend a motor vehicle to
9 a person known to have his or her driving privilege restricted
10 by being prohibited from operating a vehicle not equipped with
11 an ignition interlock device, unless the vehicle is equipped
12 with a functioning ignition interlock device. Any person whose
13 driving privilege is so restricted shall notify any person
14 intending to rent, lease, or loan a motor vehicle to the
15 restricted person of the driving restriction imposed upon him
16 or her.

17 (d-5) A person convicted of a violation of this Section is
18 guilty of a Class A misdemeanor.

19 (e) (Blank).

20 (f) Notwithstanding any other provision of law, any record
21 of information recorded by an ignition interlock device
22 installed in the vehicle of a person whose driving privilege is
23 restricted by being prohibited from operating a motor vehicle
24 not equipped with an ignition interlock device shall be
25 admissible in evidence as a business record exception to the
26 hearsay rule in any proceeding concerning an alleged violation

1 related to an ignition interlock device, provided that the
2 record was received by the Secretary of State from any person
3 or entity having a legal or contractual duty to create or
4 maintain the record.

5 (Source: P.A. 95-27, eff. 1-1-08; 95-578, eff. 6-1-08; 95-876,
6 eff. 8-21-08.)

7 Section 10. The Code of Criminal Procedure of 1963 is
8 amended by adding Section 115-15.5 as follows:

9 (725 ILCS 5/115-15.5 new)

10 Sec. 115-15.5. Information recorded by an ignition
11 interlock device.

12 (a) In any criminal prosecution for a violation of related
13 to an ignition interlock device, any record of information
14 recorded by an ignition interlock device installed in the
15 vehicle of a person whose driving privilege is restricted by
16 being prohibited from operating a motor vehicle not equipped
17 with an ignition interlock device shall be admissible in
18 evidence as a business record exception to the hearsay rule,
19 provided that the record was received by the Secretary of State
20 from any person or entity having a legal or contractual duty to
21 create or maintain the record.

22 (b) The State's Attorney shall serve a copy of the report
23 on the attorney of record for the accused, or on the accused if
24 he or she has no attorney, before any proceeding in which the

1 report is to be used against the accused other than at a
2 preliminary hearing or grand jury hearing when the report may
3 be used without having been previously served upon the accused.