

SB1427



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB1427

Introduced 2/9/2011, by Sen. Christine Radogno

SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-303

from Ch. 95 1/2, par. 6-303

Amends the Illinois Vehicle Code. Makes a technical change in a Section concerning persons driving while their license is suspended.

LRB097 06972 HEP 47065 b

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 6-303 as follows:

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

7 (Text of Section before amendment by P.A. 96-1344)

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

10 (a) Except as otherwise provided in subsection (a-5), any
11 person who drives or is in actual physical control of a motor
12 vehicle on any highway of this State at a time when such
13 person's driver's license, permit or privilege to do so or the
14 ~~the~~ privilege to obtain a driver's license or permit is revoked
15 or suspended as provided by this Code or the law of another
16 state, except as may be specifically allowed by a judicial
17 driving permit issued prior to January 1, 2009, monitoring
18 device driving permit, family financial responsibility driving
19 permit, probationary license to drive, or a restricted driving
20 permit issued pursuant to this Code or under the law of another
21 state, shall be guilty of a Class A misdemeanor.

22 (a-5) Any person who violates this Section as provided in
23 subsection (a) while his or her driver's license, permit or

1 privilege is revoked because of a violation of Section 9-3 of
2 the Criminal Code of 1961, relating to the offense of reckless
3 homicide or a similar provision of a law of another state, is
4 guilty of a Class 4 felony. The person shall be required to
5 undergo a professional evaluation, as provided in Section
6 11-501 of this Code, to determine if an alcohol, drug, or
7 intoxicating compound problem exists and the extent of the
8 problem, and to undergo the imposition of treatment as
9 appropriate.

10 (b) (Blank).

11 (b-1) Upon receiving a report of the conviction of any
12 violation indicating a person was operating a motor vehicle
13 during the time when the person's driver's license, permit or
14 privilege was suspended by the Secretary of State or the
15 driver's licensing administrator of another state, except as
16 specifically allowed by a probationary license, judicial
17 driving permit, restricted driving permit or monitoring device
18 driving permit the Secretary shall extend the suspension for
19 the same period of time as the originally imposed suspension
20 unless the suspension has already expired, in which case the
21 Secretary shall be authorized to suspend the person's driving
22 privileges for the same period of time as the originally
23 imposed suspension.

24 (b-2) Except as provided in subsection (b-6), upon
25 receiving a report of the conviction of any violation
26 indicating a person was operating a motor vehicle when the

1 person's driver's license, permit or privilege was revoked by
2 the Secretary of State or the driver's license administrator of
3 any other state, except as specifically allowed by a restricted
4 driving permit issued pursuant to this Code or the law of
5 another state, the Secretary shall not issue a driver's license
6 for an additional period of one year from the date of such
7 conviction indicating such person was operating a vehicle
8 during such period of revocation.

9 (b-3) (Blank).

10 (b-4) When the Secretary of State receives a report of a
11 conviction of any violation indicating a person was operating a
12 motor vehicle that was not equipped with an ignition interlock
13 device during a time when the person was prohibited from
14 operating a motor vehicle not equipped with such a device, the
15 Secretary shall not issue a driver's license to that person for
16 an additional period of one year from the date of the
17 conviction.

18 (b-5) Any person convicted of violating this Section shall
19 serve a minimum term of imprisonment of 30 consecutive days or
20 300 hours of community service when the person's driving
21 privilege was revoked or suspended as a result of a violation
22 of Section 9-3 of the Criminal Code of 1961, as amended,
23 relating to the offense of reckless homicide, or a similar
24 provision of a law of another state.

25 (b-6) Upon receiving a report of a first conviction of
26 operating a motor vehicle while the person's driver's license,

1 permit or privilege was revoked where the revocation was for a
2 violation of Section 9-3 of the Criminal Code of 1961 relating
3 to the offense of reckless homicide or a similar out-of-state
4 offense, the Secretary shall not issue a driver's license for
5 an additional period of three years from the date of such
6 conviction.

7 (c) Except as provided in subsections (c-3) and (c-4), any
8 person convicted of violating this Section shall serve a
9 minimum term of imprisonment of 10 consecutive days or 30 days
10 of community service when the person's driving privilege was
11 revoked or suspended as a result of:

12 (1) a violation of Section 11-501 of this Code or a
13 similar provision of a local ordinance relating to the
14 offense of operating or being in physical control of a
15 vehicle while under the influence of alcohol, any other
16 drug or any combination thereof; or

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

21 (3) a statutory summary suspension under Section
22 11-501.1 of this Code.

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

25 (c-1) Except as provided in subsections (c-5) and (d), any
26 person convicted of a second violation of this Section shall be

1 ordered by the court to serve a minimum of 100 hours of
2 community service.

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

6 (1) Seizure of the license plates of the person's
7 vehicle.

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

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

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

21 (c-5) Any person convicted of a second violation of this
22 Section is guilty of a Class 2 felony, is not eligible for
23 probation or conditional discharge, and shall serve a mandatory
24 term of imprisonment, if the revocation or suspension was for a
25 violation of Section 9-3 of the Criminal Code of 1961, relating
26 to the offense of reckless homicide, or a similar out-of-state

1 offense.

2 (d) Any person convicted of a second violation of this
3 Section shall be guilty of a Class 4 felony and shall serve a
4 minimum term of imprisonment of 30 days or 300 hours of
5 community service, as determined by the court, if the original
6 revocation or suspension was for a violation of Section 11-401
7 or 11-501 of this Code, or a similar out-of-state offense, or a
8 similar provision of a local ordinance, or a statutory summary
9 suspension under Section 11-501.1 of this Code.

10 (d-1) Except as provided in subsections (d-2), (d-2.5), and
11 (d-3), any person convicted of a third or subsequent violation
12 of this Section shall serve a minimum term of imprisonment of
13 30 days or 300 hours of community service, as determined by the
14 court.

15 (d-2) Any person convicted of a third violation of this
16 Section is guilty of a Class 4 felony and must serve a minimum
17 term of imprisonment of 30 days if the revocation or suspension
18 was for a violation of Section 11-401 or 11-501 of this Code,
19 or a similar out-of-state offense, or a similar provision of a
20 local ordinance, or a statutory summary suspension under
21 Section 11-501.1 of this Code.

22 (d-2.5) Any person convicted of a third violation of this
23 Section is guilty of a Class 1 felony, is not eligible for
24 probation or conditional discharge, and must serve a mandatory
25 term of imprisonment if the revocation or suspension was for a
26 violation of Section 9-3 of the Criminal Code of 1961, relating

1 to the offense of reckless homicide, or a similar out-of-state
2 offense. The person's driving privileges shall be revoked for
3 the remainder of the person's life.

4 (d-3) Any person convicted of a fourth, fifth, sixth,
5 seventh, eighth, or ninth violation of this Section is guilty
6 of a Class 4 felony and must serve a minimum term of
7 imprisonment of 180 days if the revocation or suspension was
8 for a violation of Section 11-401 or 11-501 of this Code, or a
9 similar out-of-state offense, or a similar provision of a local
10 ordinance, or a statutory summary suspension under Section
11 11-501.1 of this Code.

12 (d-3.5) Any person convicted of a fourth or subsequent
13 violation of this Section is guilty of a Class 1 felony, is not
14 eligible for probation or conditional discharge, and must serve
15 a mandatory term of imprisonment, and is eligible for an
16 extended term, if the revocation or suspension was for a
17 violation of Section 9-3 of the Criminal Code of 1961, relating
18 to the offense of reckless homicide, or a similar out-of-state
19 offense.

20 (d-4) Any person convicted of a tenth, eleventh, twelfth,
21 thirteenth, or fourteenth violation of this Section is guilty
22 of a Class 3 felony, and is not eligible for probation or
23 conditional discharge, if the revocation or suspension was for
24 a violation of Section 11-401 or 11-501 of this Code, or a
25 similar out-of-state offense, or a similar provision of a local
26 ordinance, or a statutory summary suspension under Section

1 11-501.1 of this Code.

2 (d-5) Any person convicted of a fifteenth or subsequent
3 violation of this Section is guilty of a Class 2 felony, and is
4 not eligible for probation or conditional discharge, if the
5 revocation or suspension was for a violation of Section 11-401
6 or 11-501 of this Code, or a similar out-of-state offense, or a
7 similar provision of a local ordinance, or a statutory summary
8 suspension under Section 11-501.1 of this Code.

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

18 (f) For any prosecution under this Section, a certified
19 copy of the driving abstract of the defendant shall be admitted
20 as proof of any prior conviction.

21 (g) The motor vehicle used in a violation of this Section
22 is subject to seizure and forfeiture as provided in Sections
23 36-1 and 36-2 of the Criminal Code of 1961 if the person's
24 driving privilege was revoked or suspended as a result of a
25 violation listed in paragraph (1) or (2) of subsection (c) of
26 this Section, as a result of a summary suspension as provided

1 in paragraph (3) of subsection (c) of this Section, or as a
2 result of a violation of Section 9-3 of the Criminal Code of
3 1961 relating to the offense of reckless homicide.

4 (Source: P.A. 95-27, eff. 1-1-08; 95-377, eff. 1-1-08; 95-400,
5 eff. 1-1-09; 95-578, eff. 6-1-08; 95-876, eff. 8-21-08; 95-991,
6 eff. 6-1-09; 96-502, eff. 1-1-10; 96-607, eff. 8-24-09;
7 96-1000, eff. 7-2-10.)

8 (Text of Section after amendment by P.A. 96-1344)

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

11 (a) Except as otherwise provided in subsection (a-5), any
12 person who drives or is in actual physical control of a motor
13 vehicle on any highway of this State at a time when such
14 person's driver's license, permit or privilege to do so or the
15 ~~the~~ privilege to obtain a driver's license or permit is revoked
16 or suspended as provided by this Code or the law of another
17 state, except as may be specifically allowed by a judicial
18 driving permit issued prior to January 1, 2009, monitoring
19 device driving permit, family financial responsibility driving
20 permit, probationary license to drive, or a restricted driving
21 permit issued pursuant to this Code or under the law of another
22 state, shall be guilty of a Class A misdemeanor.

23 (a-5) Any person who violates this Section as provided in
24 subsection (a) while his or her driver's license, permit or
25 privilege is revoked because of a violation of Section 9-3 of

1 the Criminal Code of 1961, relating to the offense of reckless
2 homicide or a similar provision of a law of another state, is
3 guilty of a Class 4 felony. The person shall be required to
4 undergo a professional evaluation, as provided in Section
5 11-501 of this Code, to determine if an alcohol, drug, or
6 intoxicating compound problem exists and the extent of the
7 problem, and to undergo the imposition of treatment as
8 appropriate.

9 (b) (Blank).

10 (b-1) Upon receiving a report of the conviction of any
11 violation indicating a person was operating a motor vehicle
12 during the time when the person's driver's license, permit or
13 privilege was suspended by the Secretary of State or the
14 driver's licensing administrator of another state, except as
15 specifically allowed by a probationary license, judicial
16 driving permit, restricted driving permit or monitoring device
17 driving permit the Secretary shall extend the suspension for
18 the same period of time as the originally imposed suspension
19 unless the suspension has already expired, in which case the
20 Secretary shall be authorized to suspend the person's driving
21 privileges for the same period of time as the originally
22 imposed suspension.

23 (b-2) Except as provided in subsection (b-6), upon
24 receiving a report of the conviction of any violation
25 indicating a person was operating a motor vehicle when the
26 person's driver's license, permit or privilege was revoked by

1 the Secretary of State or the driver's license administrator of
2 any other state, except as specifically allowed by a restricted
3 driving permit issued pursuant to this Code or the law of
4 another state, the Secretary shall not issue a driver's license
5 for an additional period of one year from the date of such
6 conviction indicating such person was operating a vehicle
7 during such period of revocation.

8 (b-3) (Blank).

9 (b-4) When the Secretary of State receives a report of a
10 conviction of any violation indicating a person was operating a
11 motor vehicle that was not equipped with an ignition interlock
12 device during a time when the person was prohibited from
13 operating a motor vehicle not equipped with such a device, the
14 Secretary shall not issue a driver's license to that person for
15 an additional period of one year from the date of the
16 conviction.

17 (b-5) Any person convicted of violating this Section shall
18 serve a minimum term of imprisonment of 30 consecutive days or
19 300 hours of community service when the person's driving
20 privilege was revoked or suspended as a result of a violation
21 of Section 9-3 of the Criminal Code of 1961, as amended,
22 relating to the offense of reckless homicide, or a similar
23 provision of a law of another state.

24 (b-6) Upon receiving a report of a first conviction of
25 operating a motor vehicle while the person's driver's license,
26 permit or privilege was revoked where the revocation was for a

1 violation of Section 9-3 of the Criminal Code of 1961 relating
2 to the offense of reckless homicide or a similar out-of-state
3 offense, the Secretary shall not issue a driver's license for
4 an additional period of three years from the date of such
5 conviction.

6 (c) Except as provided in subsections (c-3) and (c-4), any
7 person convicted of violating this Section shall serve a
8 minimum term of imprisonment of 10 consecutive days or 30 days
9 of community service when the person's driving privilege was
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11 (1) a violation of Section 11-501 of this Code or a
12 similar provision of a local ordinance relating to the
13 offense of operating or being in physical control of a
14 vehicle while under the influence of alcohol, any other
15 drug or any combination thereof; or

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

20 (3) a statutory summary suspension or revocation under
21 Section 11-501.1 of this Code.

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

24 (c-1) Except as provided in subsections (c-5) and (d), any
25 person convicted of a second violation of this Section shall be
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1 community service.

2 (c-2) In addition to other penalties imposed under this
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4 time of violating this Section any of the following:

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6 vehicle.

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16 operating or being in actual physical control of a motor
17 vehicle not equipped with an ignition interlock device at the
18 time of the offense shall be guilty of a Class 4 felony and
19 shall serve a minimum term of imprisonment of 30 days.

20 (c-5) Any person convicted of a second violation of this
21 Section is guilty of a Class 2 felony, is not eligible for
22 probation or conditional discharge, and shall serve a mandatory
23 term of imprisonment, if the revocation or suspension was for a
24 violation of Section 9-3 of the Criminal Code of 1961, relating
25 to the offense of reckless homicide, or a similar out-of-state
26 offense.

1 (d) Any person convicted of a second violation of this
2 Section shall be guilty of a Class 4 felony and shall serve a
3 minimum term of imprisonment of 30 days or 300 hours of
4 community service, as determined by the court, if the original
5 revocation or suspension was for a violation of Section 11-401
6 or 11-501 of this Code, or a similar out-of-state offense, or a
7 similar provision of a local ordinance, or a statutory summary
8 suspension or revocation under Section 11-501.1 of this Code.

9 (d-1) Except as provided in subsections (d-2), (d-2.5), and
10 (d-3), any person convicted of a third or subsequent violation
11 of this Section shall serve a minimum term of imprisonment of
12 30 days or 300 hours of community service, as determined by the
13 court.

14 (d-2) Any person convicted of a third violation of this
15 Section is guilty of a Class 4 felony and must serve a minimum
16 term of imprisonment of 30 days if the revocation or suspension
17 was for a violation of Section 11-401 or 11-501 of this Code,
18 or a similar out-of-state offense, or a similar provision of a
19 local ordinance, or a statutory summary suspension or
20 revocation under Section 11-501.1 of this Code.

21 (d-2.5) Any person convicted of a third violation of this
22 Section is guilty of a Class 1 felony, is not eligible for
23 probation or conditional discharge, and must serve a mandatory
24 term of imprisonment if the revocation or suspension was for a
25 violation of Section 9-3 of the Criminal Code of 1961, relating
26 to the offense of reckless homicide, or a similar out-of-state

1 offense. The person's driving privileges shall be revoked for
2 the remainder of the person's life.

3 (d-3) Any person convicted of a fourth, fifth, sixth,
4 seventh, eighth, or ninth violation of this Section is guilty
5 of a Class 4 felony and must serve a minimum term of
6 imprisonment of 180 days if the revocation or suspension was
7 for a violation of Section 11-401 or 11-501 of this Code, or a
8 similar out-of-state offense, or a similar provision of a local
9 ordinance, or a statutory summary suspension or revocation
10 under Section 11-501.1 of this Code.

11 (d-3.5) Any person convicted of a fourth or subsequent
12 violation of this Section is guilty of a Class 1 felony, is not
13 eligible for probation or conditional discharge, and must serve
14 a mandatory term of imprisonment, and is eligible for an
15 extended term, if the revocation or suspension was for a
16 violation of Section 9-3 of the Criminal Code of 1961, relating
17 to the offense of reckless homicide, or a similar out-of-state
18 offense.

19 (d-4) Any person convicted of a tenth, eleventh, twelfth,
20 thirteenth, or fourteenth violation of this Section is guilty
21 of a Class 3 felony, and is not eligible for probation or
22 conditional discharge, if the revocation or suspension was for
23 a violation of Section 11-401 or 11-501 of this Code, or a
24 similar out-of-state offense, or a similar provision of a local
25 ordinance, or a statutory summary suspension or revocation
26 under Section 11-501.1 of this Code.

1 (d-5) Any person convicted of a fifteenth or subsequent
2 violation of this Section is guilty of a Class 2 felony, and is
3 not eligible for probation or conditional discharge, if the
4 revocation or suspension was for a violation of Section 11-401
5 or 11-501 of this Code, or a similar out-of-state offense, or a
6 similar provision of a local ordinance, or a statutory summary
7 suspension or revocation under Section 11-501.1 of this Code.

8 (e) Any person in violation of this Section who is also in
9 violation of Section 7-601 of this Code relating to mandatory
10 insurance requirements, in addition to other penalties imposed
11 under this Section, shall have his or her motor vehicle
12 immediately impounded by the arresting law enforcement
13 officer. The motor vehicle may be released to any licensed
14 driver upon a showing of proof of insurance for the vehicle
15 that was impounded and the notarized written consent for the
16 release by the vehicle owner.

17 (f) For any prosecution under this Section, a certified
18 copy of the driving abstract of the defendant shall be admitted
19 as proof of any prior conviction.

20 (g) The motor vehicle used in a violation of this Section
21 is subject to seizure and forfeiture as provided in Sections
22 36-1 and 36-2 of the Criminal Code of 1961 if the person's
23 driving privilege was revoked or suspended as a result of a
24 violation listed in paragraph (1) or (2) of subsection (c) of
25 this Section, as a result of a summary suspension or revocation
26 as provided in paragraph (3) of subsection (c) of this Section,

1 or as a result of a violation of Section 9-3 of the Criminal
2 Code of 1961 relating to the offense of reckless homicide.

3 (Source: P.A. 95-27, eff. 1-1-08; 95-377, eff. 1-1-08; 95-400,
4 eff. 1-1-09; 95-578, eff. 6-1-08; 95-876, eff. 8-21-08; 95-991,
5 eff. 6-1-09; 96-502, eff. 1-1-10; 96-607, eff. 8-24-09;
6 96-1000, eff. 7-2-10; 96-1344, eff. 7-1-11.)

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