



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB4568

by Rep. Robert F. Martwick

SYNOPSIS AS INTRODUCED:

625 ILCS 5/12-610.2

Amends the Illinois Vehicle Code. Provides that a person that uses an electronic communication device while driving that causes the death of another person shall be guilty of a Class 2 felony, rather than a Class 4 felony, and unless the court determines that circumstances requiring probation or conditional discharge exist, a person found guilty under this Section shall be sentenced to not less than 3 years and not more than 14 years imprisonment if the violation resulted in the death of one person, or not less than 6 years and not more than 28 years imprisonment if the violation resulted in the death of 2 or more persons. Provides that a person that receives probation or a conditional discharge for a violation that results in the death of another person must perform a minimum 480 hours of community service or 10 days imprisonment as a condition of probation or conditional discharge in addition to any other criminal or administrative sanction.

LRB098 17992 MLW 53117 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 12-610.2 as follows:

6 (625 ILCS 5/12-610.2)

7 Sec. 12-610.2. Electronic communication devices.

8 (a) As used in this Section:

9 "Electronic communication device" means an electronic
10 device, including but not limited to a hand-held wireless
11 telephone, hand-held personal digital assistant, or a portable
12 or mobile computer, but does not include a global positioning
13 system or navigation system or a device that is physically or
14 electronically integrated into the motor vehicle.

15 (b) A person may not operate a motor vehicle on a roadway
16 while using an electronic communication device.

17 (b-5) A person commits aggravated use of an electronic
18 communication device when he or she violates subsection (b) and
19 in committing the violation he or she was involved in a motor
20 vehicle accident that results in great bodily harm, permanent
21 disability, disfigurement, or death to another and the
22 violation was a proximate cause of the injury or death.

23 (c) A second or subsequent violation of this Section is an

1 offense against traffic regulations governing the movement of
2 vehicles. A person who violates this Section shall be fined a
3 maximum of \$75 for a first offense, \$100 for a second offense,
4 \$125 for a third offense, and \$150 for a fourth or subsequent
5 offense.

6 (d) This Section does not apply to:

7 (1) a law enforcement officer or operator of an
8 emergency vehicle while performing his or her official
9 duties;

10 (2) a driver using an electronic communication device
11 for the sole purpose of reporting an emergency situation
12 and continued communication with emergency personnel
13 during the emergency situation;

14 (3) a driver using an electronic communication device
15 in hands-free or voice-operated mode, which may include the
16 use of a headset;

17 (4) a driver of a commercial motor vehicle reading a
18 message displayed on a permanently installed communication
19 device designed for a commercial motor vehicle with a
20 screen that does not exceed 10 inches tall by 10 inches
21 wide in size;

22 (5) a driver using an electronic communication device
23 while parked on the shoulder of a roadway;

24 (6) a driver using an electronic communication device
25 when the vehicle is stopped due to normal traffic being
26 obstructed and the driver has the motor vehicle

1 transmission in neutral or park;

2 (7) a driver using two-way or citizens band radio
3 services;

4 (8) a driver using two-way mobile radio transmitters or
5 receivers for licensees of the Federal Communications
6 Commission in the amateur radio service;

7 (9) a driver using an electronic communication device
8 by pressing a single button to initiate or terminate a
9 voice communication; or

10 (10) a driver using an electronic communication device
11 capable of performing multiple functions, other than a
12 hand-held wireless telephone or hand-held personal digital
13 assistant (for example, a fleet management system,
14 dispatching device, citizens band radio, or music player)
15 for a purpose that is not otherwise prohibited by this
16 Section.

17 (e) A person convicted of violating subsection (b-5)
18 commits a Class A misdemeanor if the violation resulted in
19 great bodily harm, permanent disability, or disfigurement to
20 another.

21 (f) A person convicted of violating subsection (b-5)
22 commits a Class 2 ~~4~~ felony if the violation resulted in the
23 death of another person. Unless the court determines that
24 extraordinary circumstances exist and require probation or
25 conditional discharge, a defendant sentenced under this
26 subsection (f) shall be sentenced to: (i) a term of

1 imprisonment of not less than 3 years and not more than 14
2 years if the violation resulted in the death of one person; or
3 (ii) a term of imprisonment of not less than 6 years and not
4 more than 28 years if the violation resulted in the death of 2
5 or more persons. A person sentenced under this subsection (f)
6 who receives a term of probation or conditional discharge must
7 serve a minimum term of 480 hours of community service or 10
8 days of imprisonment as a condition of the probation or
9 conditional discharge in addition to any other criminal or
10 administrative sanction.

11 (Source: P.A. 97-828, eff. 7-20-12; 98-506, eff. 1-1-14;
12 98-507, eff. 1-1-14; revised 9-19-13.)