



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB2953

Introduced 2/4/2014, by Sen. Kwame Raoul

SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Vehicle Code. Removes from the DUI offense operating a motor vehicle with any amount of an illegal drug in a person's system and makes it a separate Class B misdemeanor for a first offense and a Class A misdemeanor for subsequent offenses. Removes offense from implied consent for chemical testing for a suspected violation, statutory summary suspension for test refusal, driver's license suspension for conviction, and mandatory penalties for a second violation. Also removes offense from aggravated DUI. Makes corresponding changes to the Snowmobile Registration and Safety Act and the Boat Registration and Safety Act for OUI. Amends the Criminal Identification Act. Provides that policing bodies shall report arrests for the offense to the Department of State Police. Amends the Unified Code of Corrections. Provides that offenders may be charged laboratory fees and required to undergo a professional evaluation to determine the presence and extent of substance abuse problems.

LRB098 12710 MLW 47181 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 Criminal Identification Act is amended by
5 changing Section 5 as follows:

6 (20 ILCS 2630/5) (from Ch. 38, par. 206-5)

7 (Text of Section before amendment by P.A. 98-528)

8 Sec. 5. Arrest reports. All policing bodies of this State
9 shall furnish to the Department, daily, in the form and detail
10 the Department requires, fingerprints and descriptions of all
11 persons who are arrested on charges of violating any penal
12 statute of this State for offenses that are classified as
13 felonies and Class A or B misdemeanors and of all minors of the
14 age of 10 and over who have been arrested for an offense which
15 would be a felony if committed by an adult, and may forward
16 such fingerprints and descriptions for minors arrested for
17 Class A or B misdemeanors. Moving or nonmoving traffic
18 violations under the Illinois Vehicle Code shall not be
19 reported except for violations of Chapter 4, Section 11-204.1,
20 ~~or~~ Section 11-501, or Section 11-508 of that Code. In addition,
21 conservation offenses, as defined in the Supreme Court Rule
22 501(c), that are classified as Class B misdemeanors shall not
23 be reported. Those law enforcement records maintained by the

1 Department for minors arrested for an offense prior to their
2 17th birthday, or minors arrested for a non-felony offense, if
3 committed by an adult, prior to their 18th birthday, shall not
4 be forwarded to the Federal Bureau of Investigation unless
5 those records relate to an arrest in which a minor was charged
6 as an adult under any of the transfer provisions of the
7 Juvenile Court Act of 1987.

8 (Source: P.A. 95-955, eff. 1-1-09; 96-328, eff. 8-11-09;
9 96-409, eff. 1-1-10; 96-707, eff. 1-1-10; 96-1000, eff.
10 7-2-10.)

11 (Text of Section after amendment by P.A. 98-528)

12 Sec. 5. Arrest reports. All policing bodies of this State
13 shall furnish to the Department, daily, in the form and detail
14 the Department requires, fingerprints, descriptions, and
15 ethnic and racial background data as provided in Section 4.5 of
16 this Act of all persons who are arrested on charges of
17 violating any penal statute of this State for offenses that are
18 classified as felonies and Class A or B misdemeanors and of all
19 minors of the age of 10 and over who have been arrested for an
20 offense which would be a felony if committed by an adult, and
21 may forward such fingerprints and descriptions for minors
22 arrested for Class A or B misdemeanors. Moving or nonmoving
23 traffic violations under the Illinois Vehicle Code shall not be
24 reported except for violations of Chapter 4, Section 11-204.1,
25 ~~or~~ Section 11-501, or Section 11-508 of that Code. In addition,

1 conservation offenses, as defined in the Supreme Court Rule
2 501(c), that are classified as Class B misdemeanors shall not
3 be reported. Those law enforcement records maintained by the
4 Department for minors arrested for an offense prior to their
5 17th birthday, or minors arrested for a non-felony offense, if
6 committed by an adult, prior to their 18th birthday, shall not
7 be forwarded to the Federal Bureau of Investigation unless
8 those records relate to an arrest in which a minor was charged
9 as an adult under any of the transfer provisions of the
10 Juvenile Court Act of 1987.

11 (Source: P.A. 98-528, eff. 1-1-15.)

12 Section 10. The Illinois Vehicle Code is amended by
13 changing Sections 2-118.1, 6-206, 6-208.1, 11-500, 11-501,
14 11-501.01, 11-501.2, 11-501.4, 11-501.4-1, and 11-501.6 and by
15 adding Section 11-508 as follows:

16 (625 ILCS 5/2-118.1) (from Ch. 95 1/2, par. 2-118.1)

17 Sec. 2-118.1. Opportunity for hearing; statutory summary
18 alcohol or other drug related suspension or revocation pursuant
19 to Section 11-501.1.

20 (a) A statutory summary suspension or revocation of driving
21 privileges under Section 11-501.1 shall not become effective
22 until the person is notified in writing of the impending
23 suspension or revocation and informed that he may request a
24 hearing in the circuit court of venue under paragraph (b) of

1 this Section and the statutory summary suspension or revocation
2 shall become effective as provided in Section 11-501.1.

3 (b) Within 90 days after the notice of statutory summary
4 suspension or revocation served under Section 11-501.1, the
5 person may make a written request for a judicial hearing in the
6 circuit court of venue. The request to the circuit court shall
7 state the grounds upon which the person seeks to have the
8 statutory summary suspension or revocation rescinded. Within
9 30 days after receipt of the written request or the first
10 appearance date on the Uniform Traffic Ticket issued pursuant
11 to a violation of Section 11-501, or a similar provision of a
12 local ordinance, the hearing shall be conducted by the circuit
13 court having jurisdiction. This judicial hearing, request, or
14 process shall not stay or delay the statutory summary
15 suspension or revocation. The hearings shall proceed in the
16 court in the same manner as in other civil proceedings.

17 The hearing may be conducted upon a review of the law
18 enforcement officer's own official reports; provided however,
19 that the person may subpoena the officer. Failure of the
20 officer to answer the subpoena shall be considered grounds for
21 a continuance if in the court's discretion the continuance is
22 appropriate.

23 The scope of the hearing shall be limited to the issues of:

24 1. Whether the person was placed under arrest for an
25 offense as defined in Section 11-501, or a similar
26 provision of a local ordinance, as evidenced by the

1 issuance of a Uniform Traffic Ticket, or issued a Uniform
2 Traffic Ticket out of state as provided in subsection (a)
3 or (a-5) of Section 11-501.1; and

4 2. Whether the officer had reasonable grounds to
5 believe that the person was driving or in actual physical
6 control of a motor vehicle upon a highway while under the
7 influence of alcohol, other drug, or combination of both;
8 and

9 3. Whether the person, after being advised by the
10 officer that the privilege to operate a motor vehicle would
11 be suspended or revoked if the person refused to submit to
12 and complete the test or tests, did refuse to submit to or
13 complete the test or tests authorized under Section
14 11-501.1; or

15 4. Whether the person, after being advised by the
16 officer that the privilege to operate a motor vehicle would
17 be suspended if the person submits to a chemical test, or
18 tests, and the test discloses an alcohol concentration of
19 0.08 or more, or any amount of a drug, substance, or
20 compound in the person's blood or urine after exhibiting
21 other indicia that the person is incapable of driving
22 safely resulting from the unlawful use or consumption of
23 cannabis listed in the Cannabis Control Act, a controlled
24 substance listed in the Illinois Controlled Substances
25 Act, an intoxicating compound as listed in the Use of
26 Intoxicating Compounds Act, or methamphetamine as listed

1 in the Methamphetamine Control and Community Protection
2 Act, and the person did submit to and complete the test or
3 tests that determined an alcohol concentration of 0.08 or
4 more.

5 4.2. If the person is a qualifying patient licensed
6 under the Compassionate Use of Medical Cannabis Pilot
7 Program Act who is in possession of a valid registry card
8 issued under that Act, after being advised by the officer
9 that the privilege to operate a motor vehicle would be
10 suspended or revoked if the person refused to submit to and
11 complete the test or tests, did refuse to submit to or
12 complete the test or tests authorized under Section
13 11-501.1.

14 4.5. If the person is a qualifying patient licensed
15 under the Compassionate Use of Medical Cannabis Pilot
16 Program Act who is in possession of a valid registry card
17 issued under that Act, whether that person, after being
18 advised by the officer that the privilege to operate a
19 motor vehicle would be suspended if the person submits to a
20 standardized field sobriety test, or tests, and the test
21 indicates impairment resulting from the consumption of
22 cannabis, did submit to and complete the test or tests that
23 indicated impairment.

24 5. If the person's driving privileges were revoked,
25 whether the person was involved in a motor vehicle accident
26 that caused Type A injury or death to another.

1 Upon the conclusion of the judicial hearing, the circuit
2 court shall sustain or rescind the statutory summary suspension
3 or revocation and immediately notify the Secretary of State.
4 Reports received by the Secretary of State under this Section
5 shall be privileged information and for use only by the courts,
6 police officers, and Secretary of State.

7 (Source: P.A. 98-122, eff. 1-1-14.)

8 (625 ILCS 5/6-206)

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

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

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

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

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

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

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

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

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

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

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

1 the provisions of Section 6-103;

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

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

9 11. Has operated a motor vehicle upon a highway of this
10 State when the person's driving privilege or privilege to
11 obtain a driver's license or permit was revoked or
12 suspended unless the operation was authorized by a
13 monitoring device driving permit, judicial driving permit
14 issued prior to January 1, 2009, probationary license to
15 drive, or a restricted driving permit issued under this
16 Code;

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

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

25 14. Has committed a violation of Section 6-301,
26 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B

1 of the Illinois Identification Card Act;

2 15. Has been convicted of violating Section 21-2 of the
3 Criminal Code of 1961 or the Criminal Code of 2012 relating
4 to criminal trespass to vehicles in which case, the
5 suspension shall be for one year;

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

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

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

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

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

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

24 22. Has used a motor vehicle in violating paragraph
25 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
26 the Criminal Code of 1961 or the Criminal Code of 2012

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

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

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

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

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

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

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

1 Control Act, or any methamphetamine prohibited under the
2 Methamphetamine Control and Community Protection Act, in
3 which case the person's driving privileges shall be
4 suspended for one year. Any defendant found guilty of this
5 offense while operating a motor vehicle, shall have an
6 entry made in the court record by the presiding judge that
7 this offense did occur while the defendant was operating a
8 motor vehicle and order the clerk of the court to report
9 the violation to the Secretary of State;

10 29. Has been convicted of the following offenses that
11 were committed while the person was operating or in actual
12 physical control, as a driver, of a motor vehicle: criminal
13 sexual assault, predatory criminal sexual assault of a
14 child, aggravated criminal sexual assault, criminal sexual
15 abuse, aggravated criminal sexual abuse, juvenile pimping,
16 soliciting for a juvenile prostitute, promoting juvenile
17 prostitution as described in subdivision (a)(1), (a)(2),
18 or (a)(3) of Section 11-14.4 of the Criminal Code of 1961
19 or the Criminal Code of 2012, and the manufacture, sale or
20 delivery of controlled substances or instruments used for
21 illegal drug use or abuse in which case the driver's
22 driving privileges shall be suspended for one year;

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

1 31. Has refused to submit to a test as required by
2 Section 11-501.6 of this Code or Section 5-16c of the Boat
3 Registration and Safety Act or has submitted to a test
4 resulting in an alcohol concentration of 0.08 or more or
5 any amount of a drug, substance, or compound after
6 exhibiting other indicia that the person is incapable of
7 driving or operating a motorboat safely resulting from the
8 unlawful use or consumption of cannabis as listed in the
9 Cannabis Control Act, a controlled substance as listed in
10 the Illinois Controlled Substances Act, an intoxicating
11 compound as listed in the Use of Intoxicating Compounds
12 Act, or methamphetamine as listed in the Methamphetamine
13 Control and Community Protection Act, in which case the
14 penalty shall be as prescribed in Section 6-208.1;

15 32. Has been convicted of Section 24-1.2 of the
16 Criminal Code of 1961 or the Criminal Code of 2012 relating
17 to the aggravated discharge of a firearm if the offender
18 was located in a motor vehicle at the time the firearm was
19 discharged, in which case the suspension shall be for 3
20 years;

21 33. Has as a driver, who was less than 21 years of age
22 on the date of the offense, been convicted a first time of
23 a violation of paragraph (a) of Section 11-502 of this Code
24 or a similar provision of a local ordinance;

25 34. Has committed a violation of Section 11-1301.5 of
26 this Code or a similar provision of a local ordinance;

1 35. Has committed a violation of Section 11-1301.6 of
2 this Code or a similar provision of a local ordinance;

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

9 37. Has committed a violation of subsection (c) of
10 Section 11-907 of this Code that resulted in damage to the
11 property of another or the death or injury of another;

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

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

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

19 41. Has committed a second or subsequent violation of
20 Section 11-605.1 of this Code, a similar provision of a
21 local ordinance, or a similar violation in any other state
22 within 2 years of the date of the previous violation, in
23 which case the suspension shall be for 90 days;

24 42. Has committed a violation of subsection (a-1) of
25 Section 11-1301.3 of this Code or a similar provision of a
26 local ordinance;

1 43. Has received a disposition of court supervision for
2 a violation of subsection (a), (d), or (e) of Section 6-20
3 of the Liquor Control Act of 1934 or a similar provision of
4 a local ordinance, in which case the suspension shall be
5 for a period of 3 months;

6 44. Is under the age of 21 years at the time of arrest
7 and has been convicted of an offense against traffic
8 regulations governing the movement of vehicles after
9 having previously had his or her driving privileges
10 suspended or revoked pursuant to subparagraph 36 of this
11 Section;

12 45. Has, in connection with or during the course of a
13 formal hearing conducted under Section 2-118 of this Code:
14 (i) committed perjury; (ii) submitted fraudulent or
15 falsified documents; (iii) submitted documents that have
16 been materially altered; or (iv) submitted, as his or her
17 own, documents that were in fact prepared or composed for
18 another person;

19 46. Has committed a violation of subsection (j) of
20 Section 3-413 of this Code; or

21 47. Has committed a violation of Section 11-502.1 of
22 this Code.

23 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,
24 and 27 of this subsection, license means any driver's license,
25 any traffic ticket issued when the person's driver's license is
26 deposited in lieu of bail, a suspension notice issued by the

1 Secretary of State, a duplicate or corrected driver's license,
2 a probationary driver's license or a temporary driver's
3 license.

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

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

19 2. If the Secretary of State suspends the driver's
20 license of a person under subsection 2 of paragraph (a) of
21 this Section, a person's privilege to operate a vehicle as
22 an occupation shall not be suspended, provided an affidavit
23 is properly completed, the appropriate fee received, and a
24 permit issued prior to the effective date of the
25 suspension, unless 5 offenses were committed, at least 2 of
26 which occurred while operating a commercial vehicle in

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

20 The provisions of this subparagraph shall not apply to
21 any driver required to possess a CDL for the purpose of
22 operating a commercial motor vehicle.

23 Any person who falsely states any fact in the affidavit
24 required herein shall be guilty of perjury under Section
25 6-302 and upon conviction thereof shall have all driving
26 privileges revoked without further rights.

1 3. At the conclusion of a hearing under Section 2-118
2 of this Code, the Secretary of State shall either rescind
3 or continue an order of revocation or shall substitute an
4 order of suspension; or, good cause appearing therefor,
5 rescind, continue, change, or extend the order of
6 suspension. If the Secretary of State does not rescind the
7 order, the Secretary may upon application, to relieve undue
8 hardship (as defined by the rules of the Secretary of
9 State), issue a restricted driving permit granting the
10 privilege of driving a motor vehicle between the
11 petitioner's residence and petitioner's place of
12 employment or within the scope of the petitioner's
13 employment related duties, or to allow the petitioner to
14 transport himself or herself, or a family member of the
15 petitioner's household to a medical facility, to receive
16 necessary medical care, to allow the petitioner to
17 transport himself or herself to and from alcohol or drug
18 remedial or rehabilitative activity recommended by a
19 licensed service provider, or to allow the petitioner to
20 transport himself or herself or a family member of the
21 petitioner's household to classes, as a student, at an
22 accredited educational institution, or to allow the
23 petitioner to transport children, elderly persons, or
24 disabled persons who do not hold driving privileges and are
25 living in the petitioner's household to and from daycare.
26 The petitioner must demonstrate that no alternative means

1 of transportation is reasonably available and that the
2 petitioner will not endanger the public safety or welfare.
3 Those multiple offenders identified in subdivision (b)4 of
4 Section 6-208 of this Code, however, shall not be eligible
5 for the issuance of a restricted driving permit.

6 (A) If a person's license or permit is revoked or
7 suspended due to 2 or more convictions of violating
8 Section 11-501 of this Code or a similar provision of a
9 local ordinance or a similar out-of-state offense, or
10 Section 9-3 of the Criminal Code of 1961 or the
11 Criminal Code of 2012, where the use of alcohol or
12 other drugs is recited as an element of the offense, or
13 a similar out-of-state offense, or a combination of
14 these offenses, arising out of separate occurrences,
15 that person, if issued a restricted driving permit, may
16 not operate a vehicle unless it has been equipped with
17 an ignition interlock device as defined in Section
18 1-129.1.

19 (B) If a person's license or permit is revoked or
20 suspended 2 or more times within a 10 year period due
21 to any combination of:

22 (i) a single conviction of violating Section
23 11-501 of this Code or a similar provision of a
24 local ordinance or a similar out-of-state offense
25 or Section 9-3 of the Criminal Code of 1961 or the
26 Criminal Code of 2012, where the use of alcohol or

1 other drugs is recited as an element of the
2 offense, or a similar out-of-state offense; or

3 (ii) a statutory summary suspension or
4 revocation under Section 11-501.1; or

5 (iii) a suspension under Section 6-203.1;
6 arising out of separate occurrences; that person, if
7 issued a restricted driving permit, may not operate a
8 vehicle unless it has been equipped with an ignition
9 interlock device as defined in Section 1-129.1.

10 (C) The person issued a permit conditioned upon the
11 use of an ignition interlock device must pay to the
12 Secretary of State DUI Administration Fund an amount
13 not to exceed \$30 per month. The Secretary shall
14 establish by rule the amount and the procedures, terms,
15 and conditions relating to these fees.

16 (D) If the restricted driving permit is issued for
17 employment purposes, then the prohibition against
18 operating a motor vehicle that is not equipped with an
19 ignition interlock device does not apply to the
20 operation of an occupational vehicle owned or leased by
21 that person's employer when used solely for employment
22 purposes.

23 (E) In each case the Secretary may issue a
24 restricted driving permit for a period deemed
25 appropriate, except that all permits shall expire
26 within one year from the date of issuance. The

1 Secretary may not, however, issue a restricted driving
2 permit to any person whose current revocation is the
3 result of a second or subsequent conviction for a
4 violation of Section 11-501 of this Code or a similar
5 provision of a local ordinance or any similar
6 out-of-state offense, or Section 9-3 of the Criminal
7 Code of 1961 or the Criminal Code of 2012, where the
8 use of alcohol or other drugs is recited as an element
9 of the offense, or any similar out-of-state offense, or
10 any combination of those offenses, until the
11 expiration of at least one year from the date of the
12 revocation. A restricted driving permit issued under
13 this Section shall be subject to cancellation,
14 revocation, and suspension by the Secretary of State in
15 like manner and for like cause as a driver's license
16 issued under this Code may be cancelled, revoked, or
17 suspended; except that a conviction upon one or more
18 offenses against laws or ordinances regulating the
19 movement of traffic shall be deemed sufficient cause
20 for the revocation, suspension, or cancellation of a
21 restricted driving permit. The Secretary of State may,
22 as a condition to the issuance of a restricted driving
23 permit, require the applicant to participate in a
24 designated driver remedial or rehabilitative program.
25 The Secretary of State is authorized to cancel a
26 restricted driving permit if the permit holder does not

1 successfully complete the program.

2 (c-3) In the case of a suspension under paragraph 43 of
3 subsection (a), reports received by the Secretary of State
4 under this Section shall, except during the actual time the
5 suspension is in effect, be privileged information and for use
6 only by the courts, police officers, prosecuting authorities,
7 the driver licensing administrator of any other state, the
8 Secretary of State, or the parent or legal guardian of a driver
9 under the age of 18. However, beginning January 1, 2008, if the
10 person is a CDL holder, the suspension shall also be made
11 available to the driver licensing administrator of any other
12 state, the U.S. Department of Transportation, and the affected
13 driver or motor carrier or prospective motor carrier upon
14 request.

15 (c-4) In the case of a suspension under paragraph 43 of
16 subsection (a), the Secretary of State shall notify the person
17 by mail that his or her driving privileges and driver's license
18 will be suspended one month after the date of the mailing of
19 the notice.

20 (c-5) The Secretary of State may, as a condition of the
21 reissuance of a driver's license or permit to an applicant
22 whose driver's license or permit has been suspended before he
23 or she reached the age of 21 years pursuant to any of the
24 provisions of this Section, require the applicant to
25 participate in a driver remedial education course and be
26 retested under Section 6-109 of this Code.

1 (d) This Section is subject to the provisions of the
2 Drivers License Compact.

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

7 (f) In accordance with 49 C.F.R. 384, the Secretary of
8 State may not issue a restricted driving permit for the
9 operation of a commercial motor vehicle to a person holding a
10 CDL whose driving privileges have been suspended, revoked,
11 cancelled, or disqualified under any provisions of this Code.

12 (Source: P.A. 97-229, eff. 7-28-11; 97-333, eff. 8-12-11;
13 97-743, eff. 1-1-13; 97-838, eff. 1-1-13; 97-844, eff. 1-1-13;
14 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-103, eff.
15 1-1-14; 98-122, eff. 1-1-14; revised 9-19-13.)

16 (625 ILCS 5/6-208.1) (from Ch. 95 1/2, par. 6-208.1)

17 (Text of Section from P.A. 96-1526 and 98-122)

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

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

25 1. Twelve months from the effective date of the

1 statutory summary suspension for a refusal or failure to
2 complete a test or tests authorized under Section 11-501.1;
3 or

4 2. Six months from the effective date of the statutory
5 summary suspension imposed following the person's
6 submission to a chemical test which disclosed an alcohol
7 concentration of 0.08 or more, or any amount of a drug,
8 substance, or intoxicating compound in such person's
9 breath, blood, or urine after exhibiting other indicia that
10 the person is incapable of driving safely resulting from
11 the unlawful use or consumption of cannabis listed in the
12 Cannabis Control Act, a controlled substance listed in the
13 Illinois Controlled Substances Act, an intoxicating
14 compound listed in the Use of Intoxicating Compounds Act,
15 or methamphetamine as listed in the Methamphetamine
16 Control and Community Protection Act, pursuant to Section
17 11-501.1; or

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

23 4. One year from the effective date of the summary
24 suspension imposed for any person other than a first
25 offender following submission to a chemical test which
26 disclosed an alcohol concentration of 0.08 or more pursuant

1 to Section 11-501.1 or any amount of a drug, substance or
2 compound in such person's blood or urine after exhibiting
3 other indicia that the person is incapable of driving
4 safely resulting from the unlawful use or consumption of
5 cannabis listed in the Cannabis Control Act, a controlled
6 substance listed in the Illinois Controlled Substances
7 Act, an intoxicating compound listed in the Use of
8 Intoxicating Compounds Act, or methamphetamine as listed
9 in the Methamphetamine Control and Community Protection
10 Act; or

11 5. Six months from the effective date of the statutory
12 summary suspension imposed for any person following
13 submission to a standardized field sobriety test that
14 disclosed impairment if the person is a qualifying patient
15 licensed under the Compassionate Use of Medical Cannabis
16 Pilot Program Act who is in possession of a valid registry
17 card issued under that Act and submitted to testing under
18 subsection (a-5) of Section 11-501.1.

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

1 Code.

2 (c) Driving privileges may not be restored until all
3 applicable reinstatement fees, as provided by this Code, have
4 been paid to the Secretary of State and the appropriate entry
5 made to the driver's record.

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

13 (e) (Blank).

14 (f) (Blank).

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

19 (h) (Blank).

20 (Source: P.A. 95-355, eff. 1-1-08; 95-400, eff. 1-1-09; 95-876,
21 eff. 8-21-08; 96-1526, eff. 2-14-11; 98-122, eff. 1-1-14.)

22 (Text of Section from P.A. 96-1344, 97-229, and 98-122)

23 Sec. 6-208.1. Period of statutory summary alcohol, other
24 drug, or intoxicating compound related suspension or
25 revocation.

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

6 1. Twelve months from the effective date of the
7 statutory summary suspension for a refusal or failure to
8 complete a test or tests authorized under Section 11-501.1,
9 if the person was not involved in a motor vehicle crash
10 that caused personal injury or death to another; or

11 2. Six months from the effective date of the statutory
12 summary suspension imposed following the person's
13 submission to a chemical test which disclosed an alcohol
14 concentration of 0.08 or more, or any amount of a drug,
15 substance, or intoxicating compound in such person's
16 breath, blood, or urine after exhibiting other indicia that
17 the person is incapable of driving safely resulting from
18 the unlawful use or consumption of cannabis listed in the
19 Cannabis Control Act, a controlled substance listed in the
20 Illinois Controlled Substances Act, an intoxicating
21 compound listed in the Use of Intoxicating Compounds Act,
22 or methamphetamine as listed in the Methamphetamine
23 Control and Community Protection Act, pursuant to Section
24 11-501.1; or

25 3. Three years from the effective date of the statutory
26 summary suspension for any person other than a first

1 offender who refuses or fails to complete a test or tests
2 to determine the alcohol, drug, or intoxicating compound
3 concentration pursuant to Section 11-501.1; or

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

18 5. Six months from the effective date of the statutory
19 summary suspension imposed for any person following
20 submission to a standardized field sobriety test that
21 disclosed impairment if the person is a qualifying patient
22 licensed under the Compassionate Use of Medical Cannabis
23 Pilot Program Act who is in possession of a valid registry
24 card issued under that Act and submitted to testing under
25 subsection (a-5) of Section 11-501.1.

26 (a-1) Unless the statutory summary revocation has been

1 rescinded, any person whose privilege to drive has been
2 summarily revoked pursuant to Section 11-501.1 may not make
3 application for a license or permit until the expiration of one
4 year from the effective date of the summary revocation.

5 (b) Following a statutory summary suspension of the
6 privilege to drive a motor vehicle under Section 11-501.1,
7 driving privileges shall be restored unless the person is
8 otherwise suspended, revoked, or cancelled by this Code. If the
9 court has reason to believe that the person's driving privilege
10 should not be restored, the court shall notify the Secretary of
11 State prior to the expiration of the statutory summary
12 suspension so appropriate action may be taken pursuant to this
13 Code.

14 (c) Driving privileges may not be restored until all
15 applicable reinstatement fees, as provided by this Code, have
16 been paid to the Secretary of State and the appropriate entry
17 made to the driver's record.

18 (d) Where a driving privilege has been summarily suspended
19 or revoked under Section 11-501.1 and the person is
20 subsequently convicted of violating Section 11-501, or a
21 similar provision of a local ordinance, for the same incident,
22 any period served on statutory summary suspension or revocation
23 shall be credited toward the minimum period of revocation of
24 driving privileges imposed pursuant to Section 6-205.

25 (e) Following a statutory summary suspension of driving
26 privileges pursuant to Section 11-501.1, for a first offender,

1 the circuit court shall, unless the offender has opted in
2 writing not to have a monitoring device driving permit issued,
3 order the Secretary of State to issue a monitoring device
4 driving permit as provided in Section 6-206.1. A monitoring
5 device driving permit shall not be effective prior to the 31st
6 day of the statutory summary suspension. A first offender who
7 refused chemical testing and whose driving privileges were
8 summarily revoked pursuant to Section 11-501.1 shall not be
9 eligible for a monitoring device driving permit, but may make
10 application for reinstatement or for a restricted driving
11 permit after a period of one year has elapsed from the
12 effective date of the revocation.

13 (f) (Blank).

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

18 (h) (Blank).

19 (Source: P.A. 96-1344, eff. 7-1-11; 97-229, eff. 7-28-11;
20 98-122, eff. 1-1-14.)

21 (625 ILCS 5/11-500) (from Ch. 95 1/2, par. 11-500)

22 Sec. 11-500. Definitions. For the purposes of interpreting
23 Sections 6-206.1 and 6-208.1 of this Code, "first offender"
24 shall mean any person who has not had a previous conviction or
25 court assigned supervision for violating Section 11-501, or a

1 similar provision of a local ordinance, or a conviction in any
2 other state for a violation of driving while under the
3 influence or a similar offense where the cause of action is the
4 same or substantially similar to this Code or similar offenses
5 committed on a military installation, or any person who has not
6 had a driver's license suspension pursuant to paragraph 6 of
7 subsection (a) of Section 6-206 as the result of refusal of
8 chemical testing in another state, or any person who has not
9 had a driver's license suspension or revocation for violating
10 Section 11-501.1 within 5 years prior to the date of the
11 current offense, except in cases where the driver submitted to
12 chemical testing resulting in an alcohol concentration of 0.08
13 or more, or any amount of a drug, substance, or compound in
14 such person's blood or urine after exhibiting other indicia
15 that the person is incapable of driving safely resulting from
16 the unlawful use or consumption of cannabis listed in the
17 Cannabis Control Act, a controlled substance listed in the
18 Illinois Controlled Substances Act, or an intoxicating
19 compound listed in the Use of Intoxicating Compounds Act, or
20 methamphetamine as listed in the Methamphetamine Control and
21 Community Protection Act and was subsequently found not guilty
22 of violating Section 11-501, or a similar provision of a local
23 ordinance.

24 (Source: P.A. 95-355, eff. 1-1-08; 96-607, eff. 8-24-09;
25 96-1344, eff. 7-1-11.)

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

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

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

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

10 (2) under the influence of alcohol;

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

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

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

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

1 ~~Methamphetamine Control and Community Protection Act.~~
2 ~~Subject to all other requirements and provisions under this~~
3 ~~Section, this paragraph (6) does not apply to the lawful~~
4 ~~consumption of cannabis by a qualifying patient licensed~~
5 ~~under the Compassionate Use of Medical Cannabis Pilot~~
6 ~~Program Act who is in possession of a valid registry card~~
7 ~~issued under that Act, unless that person is impaired by~~
8 ~~the use of cannabis.~~

9 (b) The fact that any person charged with violating this
10 Section is or has been legally entitled to use alcohol,
11 cannabis under the Compassionate Use of Medical Cannabis Pilot
12 Program Act, other drug or drugs, or intoxicating compound or
13 compounds, or any combination thereof, shall not constitute a
14 defense against any 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 one or more
5 passengers 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) and has been previously convicted of violating
13 Section 9-3 of the Criminal Code of 1961 or the
14 Criminal Code of 2012 or a similar provision of a law
15 of another state relating to reckless homicide in which
16 the person was determined to have been under the
17 influence of alcohol, other drug or drugs, or
18 intoxicating compound or compounds as an element of the
19 offense or the person has previously been convicted
20 under subparagraph (C) or subparagraph (F) of this
21 paragraph (1);

22 (E) the person, in committing a violation of
23 subsection (a) while driving at any speed in a school
24 speed zone at a time when a speed limit of 20 miles per
25 hour was in effect under subsection (a) of Section
26 11-605 of this Code, was involved in a motor vehicle

1 accident that resulted in bodily harm, other than great
2 bodily harm or permanent disability or disfigurement,
3 to another person, when the violation of subsection (a)
4 was a proximate cause of the bodily harm;

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

11 (G) the person committed a violation of subsection
12 (a) during a period in which the defendant's driving
13 privileges are revoked or suspended, where the
14 revocation or suspension was for a violation of
15 subsection (a) or a similar provision, Section
16 11-501.1, paragraph (b) of Section 11-401, or for
17 reckless homicide as defined in Section 9-3 of the
18 Criminal Code of 1961 or the Criminal Code of 2012;

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

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

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

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

10 (L) the person committed a violation of subsection
11 (a) of this Section while transporting one or more
12 passengers in a vehicle for-hire.

13 (2) (A) Except as provided otherwise, a person
14 convicted of aggravated driving under the influence of
15 alcohol, other drug or drugs, or intoxicating compound or
16 compounds, or any combination thereof is guilty of a Class
17 4 felony.

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

1 transporting a person under the age of 16, a mandatory fine
2 of \$25,000 and 25 days of community service in a program
3 benefiting children shall be imposed in addition to any
4 other criminal or administrative sanction.

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

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

1 administrative sanction. If at the time of the fifth
2 violation, the defendant was transporting a person under
3 the age of 16, a mandatory fine of \$25,000, and 25 days of
4 community service in a program benefiting children shall be
5 imposed in addition to any other criminal or administrative
6 sanction.

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

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

24 (G) A violation of subparagraph (F) of paragraph (1) of
25 this subsection (d) is a Class 2 felony, for which the
26 defendant, unless the court determines that extraordinary

1 circumstances exist and require probation, shall be
2 sentenced to: (i) a term of imprisonment of not less than 3
3 years and not more than 14 years if the violation resulted
4 in the death of one person; or (ii) a term of imprisonment
5 of not less than 6 years and not more than 28 years if the
6 violation resulted in the deaths of 2 or more persons.

7 (H) For a violation of subparagraph (J) of paragraph
8 (1) of this subsection (d), a mandatory fine of \$2,500, and
9 25 days of community service in a program benefiting
10 children shall be imposed in addition to any other criminal
11 or administrative sanction.

12 (I) A violation of subparagraph (K) of paragraph (1) of
13 this subsection (d), is a Class 2 felony and a mandatory
14 fine of \$2,500, and 25 days of community service in a
15 program benefiting children shall be imposed in addition to
16 any other criminal or administrative sanction. If the child
17 being transported suffered bodily harm, but not great
18 bodily harm, in a motor vehicle accident, and the violation
19 was the proximate cause of that injury, a mandatory fine of
20 \$5,000 and 25 days of community service in a program
21 benefiting children shall be imposed in addition to any
22 other criminal or administrative sanction.

23 (J) A violation of subparagraph (D) of paragraph (1) of
24 this subsection (d) is a Class 3 felony, for which a
25 sentence of probation or conditional discharge may not be
26 imposed.

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

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

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

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

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

22 (Source: P.A. 97-1150, eff. 1-25-13; 98-122, eff. 1-1-14;
23 98-573, eff. 8-27-13; revised 9-19-13.)

24 (625 ILCS 5/11-501.01)

25 Sec. 11-501.01. Additional administrative sanctions.

1 (a) After a finding of guilt and prior to any final
2 sentencing or an order for supervision, for an offense based
3 upon an arrest for a violation of Section 11-501 or 11-508 or a
4 similar provision of a local ordinance, individuals shall be
5 required to undergo a professional evaluation to determine if
6 an alcohol, drug, or intoxicating compound abuse problem exists
7 and the extent of the problem, and undergo the imposition of
8 treatment as appropriate. Programs conducting these
9 evaluations shall be licensed by the Department of Human
10 Services. The cost of any professional evaluation shall be paid
11 for by the individual required to undergo the professional
12 evaluation.

13 (b) Any person who is found guilty of or pleads guilty to
14 violating Section 11-501, including any person receiving a
15 disposition of court supervision for violating that Section,
16 may be required by the Court to attend a victim impact panel
17 offered by, or under contract with, a county State's Attorney's
18 office, a probation and court services department, Mothers
19 Against Drunk Driving, or the Alliance Against Intoxicated
20 Motorists. All costs generated by the victim impact panel shall
21 be paid from fees collected from the offender or as may be
22 determined by the court.

23 (c) Every person found guilty of violating Section 11-501,
24 whose operation of a motor vehicle while in violation of that
25 Section proximately caused any incident resulting in an
26 appropriate emergency response, shall be liable for the expense

1 of an emergency response as provided in subsection (i) of this
2 Section.

3 (d) The Secretary of State shall revoke the driving
4 privileges of any person convicted under Section 11-501 or a
5 similar provision of a local ordinance.

6 (e) The Secretary of State shall require the use of
7 ignition interlock devices on all vehicles owned by a person
8 who has been convicted of a second or subsequent offense of
9 Section 11-501 or a similar provision of a local ordinance. The
10 person must pay to the Secretary of State DUI Administration
11 Fund an amount not to exceed \$30 for each month that he or she
12 uses the device. The Secretary shall establish by rule and
13 regulation the procedures for certification and use of the
14 interlock system, the amount of the fee, and the procedures,
15 terms, and conditions relating to these fees.

16 (f) In addition to any other penalties and liabilities, a
17 person who is found guilty of or pleads guilty to violating
18 Section 11-501, including any person placed on court
19 supervision for violating Section 11-501, shall be assessed
20 \$750, payable to the circuit clerk, who shall distribute the
21 money as follows: \$350 to the law enforcement agency that made
22 the arrest, and \$400 shall be forwarded to the State Treasurer
23 for deposit into the General Revenue Fund. If the person has
24 been previously convicted of violating Section 11-501 or a
25 similar provision of a local ordinance, the fine shall be
26 \$1,000, and the circuit clerk shall distribute \$200 to the law

1 enforcement agency that made the arrest and \$800 to the State
2 Treasurer for deposit into the General Revenue Fund. In the
3 event that more than one agency is responsible for the arrest,
4 the amount payable to law enforcement agencies shall be shared
5 equally. Any moneys received by a law enforcement agency under
6 this subsection (f) 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 Section 11-501 of this Code,
10 including but not limited to the purchase of law enforcement
11 equipment and commodities that will assist in the prevention of
12 alcohol related criminal violence throughout the State; police
13 officer training and education in areas related to alcohol
14 related crime, including but not limited to DUI training; and
15 police officer salaries, including but not limited to salaries
16 for hire back funding for safety checkpoints, saturation
17 patrols, and liquor store sting operations. Any moneys received
18 by the Department of State Police under this subsection (f)
19 shall be deposited into the State Police DUI Fund and shall be
20 used to purchase law enforcement equipment that will assist in
21 the prevention of alcohol related criminal violence throughout
22 the State.

23 (g) The Secretary of State Police DUI Fund is created as a
24 special fund in the State treasury. All moneys received by the
25 Secretary of State Police under subsection (f) of this Section
26 shall be deposited into the Secretary of State Police DUI Fund

1 and, subject to appropriation, shall be used for enforcement
2 and prevention of driving while under the influence of alcohol,
3 other drug or drugs, intoxicating compound or compounds or any
4 combination thereof, as defined by Section 11-501 of this Code,
5 including but not limited to the purchase of law enforcement
6 equipment and commodities to assist in the prevention of
7 alcohol related criminal violence throughout the State; police
8 officer training and education in areas related to alcohol
9 related crime, including but not limited to DUI training; and
10 police officer salaries, including but not limited to salaries
11 for hire back funding for safety checkpoints, saturation
12 patrols, and liquor store sting operations.

13 (h) Whenever an individual is sentenced for an offense
14 based upon an arrest for a violation of Section 11-501 or a
15 similar provision of a local ordinance, and the professional
16 evaluation recommends remedial or rehabilitative treatment or
17 education, neither the treatment nor the education shall be the
18 sole disposition and either or both may be imposed only in
19 conjunction with another disposition. The court shall monitor
20 compliance with any remedial education or treatment
21 recommendations contained in the professional evaluation.
22 Programs conducting alcohol or other drug evaluation or
23 remedial education must be licensed by the Department of Human
24 Services. If the individual is not a resident of Illinois,
25 however, the court may accept an alcohol or other drug
26 evaluation or remedial education program in the individual's

1 state of residence. Programs providing treatment must be
2 licensed under existing applicable alcoholism and drug
3 treatment licensure standards.

4 (i) In addition to any other fine or penalty required by
5 law, an individual convicted of a violation of Section 11-501,
6 Section 5-7 of the Snowmobile Registration and Safety Act,
7 Section 5-16 of the Boat Registration and Safety Act, or a
8 similar provision, whose operation of a motor vehicle,
9 snowmobile, or watercraft while in violation of Section 11-501,
10 Section 5-7 of the Snowmobile Registration and Safety Act,
11 Section 5-16 of the Boat Registration and Safety Act, or a
12 similar provision proximately caused an incident resulting in
13 an appropriate emergency response, shall be required to make
14 restitution to a public agency for the costs of that emergency
15 response. The restitution may not exceed \$1,000 per public
16 agency for each emergency response. As used in this subsection
17 (i), "emergency response" means any incident requiring a
18 response by a police officer, a firefighter carried on the
19 rolls of a regularly constituted fire department, or an
20 ambulance. With respect to funds designated for the Department
21 of State Police, the moneys shall be remitted by the circuit
22 court clerk to the State Police within one month after receipt
23 for deposit into the State Police DUI Fund. With respect to
24 funds designated for the Department of Natural Resources, the
25 Department of Natural Resources shall deposit the moneys into
26 the Conservation Police Operations Assistance Fund.

1 (j) A person that is subject to a chemical test or tests of
2 blood under subsection (a) of Section 11-501.1 or subdivision
3 (c)(2) of Section 11-501.2 of this Code, whether or not that
4 person consents to testing, shall be liable for the expense up
5 to \$500 for blood withdrawal by a physician authorized to
6 practice medicine, a licensed physician assistant, a licensed
7 advanced practice nurse, a registered nurse, a trained
8 phlebotomist, a certified paramedic, or a qualified person
9 other than a police officer approved by the Department of State
10 Police to withdraw blood, who responds, whether at a law
11 enforcement facility or a health care facility, to a police
12 department request for the drawing of blood based upon refusal
13 of the person to submit to a lawfully requested breath test or
14 probable cause exists to believe the test would disclose the
15 ingestion, consumption, or use of drugs or intoxicating
16 compounds if:

17 (1) the person is found guilty of violating Section
18 11-501 of this Code or a similar provision of a local
19 ordinance; or

20 (2) the person pleads guilty to or stipulates to facts
21 supporting a violation of Section 11-503 of this Code or a
22 similar provision of a local ordinance when the plea or
23 stipulation was the result of a plea agreement in which the
24 person was originally charged with violating Section
25 11-501 of this Code or a similar local ordinance.

26 (Source: P.A. 97-931, eff. 1-1-13; 97-1050, eff. 1-1-13;

1 98-292, eff. 1-1-14; 98-463, eff. 8-16-13.)

2 (625 ILCS 5/11-501.2) (from Ch. 95 1/2, par. 11-501.2)

3 Sec. 11-501.2. Chemical and other tests.

4 (a) Upon the trial of any civil or criminal action or
5 proceeding arising out of an arrest for an offense as defined
6 in Section 11-501, 11-508, or a similar local ordinance or
7 proceedings pursuant to Section 2-118.1, evidence of the
8 concentration of alcohol, other drug or drugs, or intoxicating
9 compound or compounds, or any combination thereof in a person's
10 blood or breath at the time alleged, as determined by analysis
11 of the person's blood, urine, breath or other bodily substance,
12 shall be admissible. Where such test is made the following
13 provisions shall apply:

14 1. Chemical analyses of the person's blood, urine,
15 breath or other bodily substance to be considered valid
16 under the provisions of this Section shall have been
17 performed according to standards promulgated by the
18 Department of State Police by a licensed physician,
19 registered nurse, trained phlebotomist, certified
20 paramedic, or other individual possessing a valid permit
21 issued by that Department for this purpose. The Director of
22 State Police is authorized to approve satisfactory
23 techniques or methods, to ascertain the qualifications and
24 competence of individuals to conduct such analyses, to
25 issue permits which shall be subject to termination or

1 revocation at the discretion of that Department and to
2 certify the accuracy of breath testing equipment. The
3 Department of State Police shall prescribe regulations as
4 necessary to implement this Section.

5 2. When a person in this State shall submit to a blood
6 test at the request of a law enforcement officer under the
7 provisions of Section 11-501.1, only a physician
8 authorized to practice medicine, a licensed physician
9 assistant, a licensed advanced practice nurse, a
10 registered nurse, trained phlebotomist, or certified
11 paramedic, or other qualified person approved by the
12 Department of State Police may withdraw blood for the
13 purpose of determining the alcohol, drug, or alcohol and
14 drug content therein. This limitation shall not apply to
15 the taking of breath or urine specimens.

16 When a blood test of a person who has been taken to an
17 adjoining state for medical treatment is requested by an
18 Illinois law enforcement officer, the blood may be
19 withdrawn only by a physician authorized to practice
20 medicine in the adjoining state, a licensed physician
21 assistant, a licensed advanced practice nurse, a
22 registered nurse, a trained phlebotomist acting under the
23 direction of the physician, or certified paramedic. The law
24 enforcement officer requesting the test shall take custody
25 of the blood sample, and the blood sample shall be analyzed
26 by a laboratory certified by the Department of State Police

1 for that purpose.

2 3. The person tested may have a physician, or a
3 qualified technician, chemist, registered nurse, or other
4 qualified person of their own choosing administer a
5 chemical test or tests in addition to any administered at
6 the direction of a law enforcement officer. The failure or
7 inability to obtain an additional test by a person shall
8 not preclude the admission of evidence relating to the test
9 or tests taken at the direction of a law enforcement
10 officer.

11 4. Upon the request of the person who shall submit to a
12 chemical test or tests at the request of a law enforcement
13 officer, full information concerning the test or tests
14 shall be made available to the person or such person's
15 attorney.

16 5. Alcohol concentration shall mean either grams of
17 alcohol per 100 milliliters of blood or grams of alcohol
18 per 210 liters of breath.

19 (a-5) Law enforcement officials may use standardized field
20 sobriety tests approved by the National Highway Traffic Safety
21 Administration when conducting investigations of a violation
22 of Section 11-501 or similar local ordinance by drivers
23 suspected of driving under the influence of cannabis. The
24 General Assembly finds that standardized field sobriety tests
25 approved by the National Highway Traffic Safety Administration
26 are divided attention tasks that are intended to determine if a

1 person is under the influence of cannabis. The purpose of these
2 tests is to determine the effect of the use of cannabis on a
3 person's capacity to think and act with ordinary care and
4 therefore operate a motor vehicle safely. Therefore, the
5 results of these standardized field sobriety tests,
6 appropriately administered, shall be admissible in the trial of
7 any civil or criminal action or proceeding arising out of an
8 arrest for a cannabis-related offense as defined in Section
9 11-501 or a similar local ordinance or proceedings under
10 Section 2-118.1. Where a test is made the following provisions
11 shall apply:

12 1. The person tested may have a physician, or a
13 qualified technician, chemist, registered nurse, or other
14 qualified person of their own choosing administer a
15 chemical test or tests in addition to the standardized
16 field sobriety test or tests administered at the direction
17 of a law enforcement officer. The failure or inability to
18 obtain an additional test by a person does not preclude the
19 admission of evidence relating to the test or tests taken
20 at the direction of a law enforcement officer.

21 2. Upon the request of the person who shall submit to a
22 standardized field sobriety test or tests at the request of
23 a law enforcement officer, full information concerning the
24 test or tests shall be made available to the person or the
25 person's attorney.

26 3. At the trial of any civil or criminal action or

1 proceeding arising out of an arrest for an offense as
2 defined in Section 11-501 or a similar local ordinance or
3 proceedings under Section 2-118.1 in which the results of
4 these standardized field sobriety tests are admitted, the
5 cardholder may present and the trier of fact may consider
6 evidence that the card holder lacked the physical capacity
7 to perform the standardized field sobriety tests.

8 (b) Upon the trial of any civil or criminal action or
9 proceeding arising out of acts alleged to have been committed
10 by any person while driving or in actual physical control of a
11 vehicle while under the influence of alcohol, the concentration
12 of alcohol in the person's blood or breath at the time alleged
13 as shown by analysis of the person's blood, urine, breath, or
14 other bodily substance shall give rise to the following
15 presumptions:

16 1. If there was at that time an alcohol concentration
17 of 0.05 or less, it shall be presumed that the person was
18 not under the influence of alcohol.

19 2. If there was at that time an alcohol concentration
20 in excess of 0.05 but less than 0.08, such facts shall not
21 give rise to any presumption that the person was or was not
22 under the influence of alcohol, but such fact may be
23 considered with other competent evidence in determining
24 whether the person was under the influence of alcohol.

25 3. If there was at that time an alcohol concentration
26 of 0.08 or more, it shall be presumed that the person was

1 under the influence of alcohol.

2 4. The foregoing provisions of this Section shall not
3 be construed as limiting the introduction of any other
4 relevant evidence bearing upon the question whether the
5 person was under the influence of alcohol.

6 (c) 1. If a person under arrest refuses to submit to a
7 chemical test under the provisions of Section 11-501.1,
8 evidence of refusal shall be admissible in any civil or
9 criminal action or proceeding arising out of acts alleged to
10 have been committed while the person under the influence of
11 alcohol, other drug or drugs, or intoxicating compound or
12 compounds, or any combination thereof was driving or in actual
13 physical control of a motor vehicle.

14 2. Notwithstanding any ability to refuse under this Code to
15 submit to these tests or any ability to revoke the implied
16 consent to these tests, if a law enforcement officer has
17 probable cause to believe that a motor vehicle driven by or in
18 actual physical control of a person under the influence of
19 alcohol, other drug or drugs, or intoxicating compound or
20 compounds, or any combination thereof has caused the death or
21 personal injury to another, the law enforcement officer shall
22 request, and that person shall submit, upon the request of a
23 law enforcement officer, to a chemical test or tests of his or
24 her blood, breath or urine for the purpose of determining the
25 alcohol content thereof or the presence of any other drug or
26 combination of both.

1 This provision does not affect the applicability of or
2 imposition of driver's license sanctions under Section
3 11-501.1 of this Code.

4 3. For purposes of this Section, a personal injury includes
5 any Type A injury as indicated on the traffic accident report
6 completed by a law enforcement officer that requires immediate
7 professional attention in either a doctor's office or a medical
8 facility. A Type A injury includes severe bleeding wounds,
9 distorted extremities, and injuries that require the injured
10 party to be carried from the scene.

11 (Source: P.A. 97-450, eff. 8-19-11; 97-471, eff. 8-22-11;
12 97-813, eff. 7-13-12; 98-122, eff. 1-1-14.)

13 (625 ILCS 5/11-501.4) (from Ch. 95 1/2, par. 11-501.4)

14 Sec. 11-501.4. Admissibility of chemical tests of blood or
15 urine conducted in the regular course of providing emergency
16 medical treatment.

17 (a) Notwithstanding any other provision of law, the results
18 of blood or urine tests performed for the purpose of
19 determining the content of alcohol, other drug or drugs, or
20 intoxicating compound or compounds, or any combination
21 thereof, of an individual's blood or urine conducted upon
22 persons receiving medical treatment in a hospital emergency
23 room are admissible in evidence as a business record exception
24 to the hearsay rule only in prosecutions for any violation of
25 Section 11-501 or 11-508 of this Code or a similar provision of

1 a local ordinance, or in prosecutions for reckless homicide
2 brought under the Criminal Code of 1961 or the Criminal Code of
3 2012, when each of the following criteria are met:

4 (1) the chemical tests performed upon an individual's
5 blood or urine were ordered in the regular course of
6 providing emergency medical treatment and not at the
7 request of law enforcement authorities;

8 (2) the chemical tests performed upon an individual's
9 blood or urine were performed by the laboratory routinely
10 used by the hospital; and

11 (3) results of chemical tests performed upon an
12 individual's blood or urine are admissible into evidence
13 regardless of the time that the records were prepared.

14 (b) The confidentiality provisions of law pertaining to
15 medical records and medical treatment shall not be applicable
16 with regard to chemical tests performed upon an individual's
17 blood or urine under the provisions of this Section in
18 prosecutions as specified in subsection (a) of this Section. No
19 person shall be liable for civil damages as a result of the
20 evidentiary use of chemical testing of an individual's blood or
21 urine test results under this Section, or as a result of that
22 person's testimony made available under this Section.

23 (Source: P.A. 96-289, eff. 8-11-09; 97-1150, eff. 1-25-13.)

24 (625 ILCS 5/11-501.4-1)

25 Sec. 11-501.4-1. Reporting of test results of blood or

1 urine conducted in the regular course of providing emergency
2 medical treatment.

3 (a) Notwithstanding any other provision of law, the results
4 of blood or urine tests performed for the purpose of
5 determining the content of alcohol, other drug or drugs, or
6 intoxicating compound or compounds, or any combination
7 thereof, in an individual's blood or urine conducted upon
8 persons receiving medical treatment in a hospital emergency
9 room for injuries resulting from a motor vehicle accident shall
10 be disclosed to the Department of State Police or local law
11 enforcement agencies of jurisdiction, upon request. Such blood
12 or urine tests are admissible in evidence as a business record
13 exception to the hearsay rule only in prosecutions for any
14 violation of Section 11-501 or 11-508 of this Code or a similar
15 provision of a local ordinance, or in prosecutions for reckless
16 homicide brought under the Criminal Code of 1961 or the
17 Criminal Code of 2012.

18 (b) The confidentiality provisions of law pertaining to
19 medical records and medical treatment shall not be applicable
20 with regard to tests performed upon an individual's blood or
21 urine under the provisions of subsection (a) of this Section.
22 No person shall be liable for civil damages or professional
23 discipline as a result of the disclosure or reporting of the
24 tests or the evidentiary use of an individual's blood or urine
25 test results under this Section or Section 11-501.4 or as a
26 result of that person's testimony made available under this

1 Section or Section 11-501.4, except for willful or wanton
2 misconduct.

3 (Source: P.A. 97-1150, eff. 1-25-13.)

4 (625 ILCS 5/11-501.6) (from Ch. 95 1/2, par. 11-501.6)

5 Sec. 11-501.6. Driver involvement in personal injury or
6 fatal motor vehicle accident; chemical test.

7 (a) Any person who drives or is in actual control of a
8 motor vehicle upon the public highways of this State and who
9 has been involved in a personal injury or fatal motor vehicle
10 accident, shall be deemed to have given consent to a breath
11 test using a portable device as approved by the Department of
12 State Police or to a chemical test or tests of blood, breath,
13 or urine for the purpose of determining the content of alcohol,
14 other drug or drugs, or intoxicating compound or compounds of
15 such person's blood if arrested as evidenced by the issuance of
16 a Uniform Traffic Ticket for any violation of the Illinois
17 Vehicle Code or a similar provision of a local ordinance, with
18 the exception of equipment violations contained in Chapter 12
19 of this Code, or similar provisions of local ordinances. The
20 test or tests shall be administered at the direction of the
21 arresting officer. The law enforcement agency employing the
22 officer shall designate which of the aforesaid tests shall be
23 administered. A urine test may be administered even after a
24 blood or breath test or both has been administered. Compliance
25 with this Section does not relieve such person from the

1 requirements of Section 11-501.1 of this Code.

2 (b) Any person who is dead, unconscious or who is otherwise
3 in a condition rendering such person incapable of refusal shall
4 be deemed not to have withdrawn the consent provided by
5 subsection (a) of this Section. In addition, if a driver of a
6 vehicle is receiving medical treatment as a result of a motor
7 vehicle accident, any physician licensed to practice medicine,
8 licensed physician assistant, licensed advanced practice
9 nurse, registered nurse or a phlebotomist acting under the
10 direction of a licensed physician shall withdraw blood for
11 testing purposes to ascertain the presence of alcohol, other
12 drug or drugs, or intoxicating compound or compounds, upon the
13 specific request of a law enforcement officer. However, no such
14 testing shall be performed until, in the opinion of the medical
15 personnel on scene, the withdrawal can be made without
16 interfering with or endangering the well-being of the patient.

17 (c) A person requested to submit to a test as provided
18 above shall be warned by the law enforcement officer requesting
19 the test that a refusal to submit to the test, or submission to
20 the test resulting in an alcohol concentration of 0.08 or more,
21 or any amount of a drug, substance, or intoxicating compound
22 resulting from the unlawful use or consumption of cannabis, as
23 covered by the Cannabis Control Act, a controlled substance
24 listed in the Illinois Controlled Substances Act, an
25 intoxicating compound listed in the Use of Intoxicating
26 Compounds Act, or methamphetamine as listed in the

1 Methamphetamine Control and Community Protection Act as
2 detected in such person's blood or urine, may result in the
3 suspension of such person's privilege to operate a motor
4 vehicle and may result in the disqualification of the person's
5 privilege to operate a commercial motor vehicle, as provided in
6 Section 6-514 of this Code, if the person is a CDL holder. The
7 length of the suspension shall be the same as outlined in
8 Section 6-208.1 of this Code regarding statutory summary
9 suspensions.

10 (d) If the person refuses testing or submits to a test
11 which discloses an alcohol concentration of 0.08 or more, or
12 any amount of a drug, substance, or intoxicating compound in
13 such person's blood or urine after exhibiting other indicia
14 that the person is incapable of driving safely resulting from
15 the unlawful use or consumption of cannabis listed in the
16 Cannabis Control Act, a controlled substance listed in the
17 Illinois Controlled Substances Act, an intoxicating compound
18 listed in the Use of Intoxicating Compounds Act, or
19 methamphetamine as listed in the Methamphetamine Control and
20 Community Protection Act, the law enforcement officer shall
21 immediately submit a sworn report to the Secretary of State on
22 a form prescribed by the Secretary, certifying that the test or
23 tests were requested pursuant to subsection (a) and the person
24 refused to submit to a test or tests or submitted to testing
25 which disclosed an alcohol concentration of 0.08 or more, or
26 any amount of a drug, substance, or intoxicating compound in

1 such person's blood or urine, after exhibiting other indicia
2 that the person is incapable of driving safely resulting from
3 the unlawful use or consumption of cannabis listed in the
4 Cannabis Control Act, a controlled substance listed in the
5 Illinois Controlled Substances Act, an intoxicating compound
6 listed in the Use of Intoxicating Compounds Act, or
7 methamphetamine as listed in the Methamphetamine Control and
8 Community Protection Act.

9 Upon receipt of the sworn report of a law enforcement
10 officer, the Secretary shall enter the suspension and
11 disqualification to the individual's driving record and the
12 suspension and disqualification shall be effective on the 46th
13 day following the date notice of the suspension was given to
14 the person.

15 The law enforcement officer submitting the sworn report
16 shall serve immediate notice of this suspension on the person
17 and such suspension and disqualification shall be effective on
18 the 46th day following the date notice was given.

19 In cases where the blood alcohol concentration of 0.08 or
20 more, or any amount of a drug, substance, or intoxicating
21 compound after exhibiting other indicia that the person is
22 incapable of driving safely resulting from the unlawful use or
23 consumption of cannabis as listed in the Cannabis Control Act,
24 a controlled substance listed in the Illinois Controlled
25 Substances Act, an intoxicating compound listed in the Use of
26 Intoxicating Compounds Act, or methamphetamine as listed in the

1 Methamphetamine Control and Community Protection Act, is
2 established by a subsequent analysis of blood or urine
3 collected at the time of arrest, the arresting officer shall
4 give notice as provided in this Section or by deposit in the
5 United States mail of such notice in an envelope with postage
6 prepaid and addressed to such person at his address as shown on
7 the Uniform Traffic Ticket and the suspension and
8 disqualification shall be effective on the 46th day following
9 the date notice was given.

10 Upon receipt of the sworn report of a law enforcement
11 officer, the Secretary shall also give notice of the suspension
12 and disqualification to the driver by mailing a notice of the
13 effective date of the suspension and disqualification to the
14 individual. However, should the sworn report be defective by
15 not containing sufficient information or be completed in error,
16 the notice of the suspension and disqualification shall not be
17 mailed to the person or entered to the driving record, but
18 rather the sworn report shall be returned to the issuing law
19 enforcement agency.

20 (e) A driver may contest this suspension of his or her
21 driving privileges and disqualification of his or her CDL
22 privileges by requesting an administrative hearing with the
23 Secretary in accordance with Section 2-118 of this Code. At the
24 conclusion of a hearing held under Section 2-118 of this Code,
25 the Secretary may rescind, continue, or modify the orders of
26 suspension and disqualification. If the Secretary does not

1 rescind the orders of suspension and disqualification, a
2 restricted driving permit may be granted by the Secretary upon
3 application being made and good cause shown. A restricted
4 driving permit may be granted to relieve undue hardship to
5 allow driving for employment, educational, and medical
6 purposes as outlined in Section 6-206 of this Code. The
7 provisions of Section 6-206 of this Code shall apply. In
8 accordance with 49 C.F.R. 384, the Secretary of State may not
9 issue a restricted driving permit for the operation of a
10 commercial motor vehicle to a person holding a CDL whose
11 driving privileges have been suspended, revoked, cancelled, or
12 disqualified.

13 (f) (Blank).

14 (g) For the purposes of this Section, a personal injury
15 shall include any type A injury as indicated on the traffic
16 accident report completed by a law enforcement officer that
17 requires immediate professional attention in either a doctor's
18 office or a medical facility. A type A injury shall include
19 severely bleeding wounds, distorted extremities, and injuries
20 that require the injured party to be carried from the scene.

21 (Source: P.A. 96-1344, eff. 7-1-11; 97-450, eff. 8-19-11;
22 97-835, eff. 7-20-12.)

23 (625 ILCS 5/11-508 new)

24 Sec. 11-508. Driving with unlawful drugs in blood, breath,
25 or urine.

1 (a) A person shall not drive or be in actual physical
2 control of any vehicle within this State while there is any
3 amount of a drug, substance, or compound in the person's
4 breath, blood, or urine resulting from the unlawful use or
5 consumption of cannabis listed in the Cannabis Control Act, a
6 controlled substance listed in the Illinois Controlled
7 Substances Act, an intoxicating compound listed in the Use of
8 Intoxicating Compounds Act, or methamphetamine as listed in the
9 Methamphetamine Control and Community Protection Act.

10 (b) This Section does not apply to the lawful consumption
11 of cannabis by a qualifying patient licensed under the
12 Compassionate Use of Medical Cannabis Pilot Program Act who is
13 in possession of a valid registry card issued under that Act.

14 (c) A person who violates subsection (a) of this Section is
15 guilty of a Class B misdemeanor for a first offense and is
16 guilty of a Class A misdemeanor for a second or subsequent
17 offense.

18 Section 15. The Snowmobile Registration and Safety Act is
19 amended by changing Sections 5-7 and by adding Section 5-7.7 as
20 follows:

21 (625 ILCS 40/5-7)

22 Sec. 5-7. Operating a snowmobile while under the influence
23 of alcohol or other drug or drugs, intoxicating compound or
24 compounds, or a combination of them; criminal penalties;

1 suspension of operating privileges.

2 (a) A person may not operate or be in actual physical
3 control of a snowmobile within this State while:

4 1. The alcohol concentration in that person's blood or
5 breath is a concentration at which driving a motor vehicle
6 is prohibited under subdivision (1) of subsection (a) of
7 Section 11-501 of the Illinois Vehicle Code;

8 2. The person is under the influence of alcohol;

9 3. The person is under the influence of any other drug
10 or combination of drugs to a degree that renders that
11 person incapable of safely operating a snowmobile;

12 3.1. The person is under the influence of any
13 intoxicating compound or combination of intoxicating
14 compounds to a degree that renders the person incapable of
15 safely operating a snowmobile; or

16 4. The person is under the combined influence of
17 alcohol and any other drug or drugs or intoxicating
18 compound or compounds to a degree that renders that person
19 incapable of safely operating a snowmobile. ~~or~~

20 5. (Blank). ~~There is any amount of a drug, substance,~~
21 ~~or compound in that person's breath, blood, or urine~~
22 ~~resulting from the unlawful use or consumption of cannabis~~
23 ~~listed in the Cannabis Control Act, controlled substance~~
24 ~~listed in the Illinois Controlled Substances Act, or~~
25 ~~intoxicating compound listed in the use of Intoxicating~~
26 ~~Compounds Act.~~

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

6 (c) Every person convicted of violating this Section or a
7 similar provision of a local ordinance is guilty of a Class A
8 misdemeanor, except as otherwise provided in this Section.

9 (c-1) As used in this Section, "first time offender" means
10 any person who has not had a previous conviction or been
11 assigned supervision for violating this Section or a similar
12 provision of a local ordinance, or any person who has not had a
13 suspension imposed under subsection (e) of Section 5-7.1.

14 (c-2) For purposes of this Section, the following are
15 equivalent to a conviction:

16 (1) a forfeiture of bail or collateral deposited to
17 secure a defendant's appearance in court when forfeiture
18 has not been vacated; or

19 (2) the failure of a defendant to appear for trial.

20 (d) Every person convicted of violating this Section is
21 guilty of a Class 4 felony if:

22 1. The person has a previous conviction under this
23 Section;

24 2. The offense results in personal injury where a
25 person other than the operator suffers great bodily harm or
26 permanent disability or disfigurement, when the violation

1 was a proximate cause of the injuries. A person guilty of a
2 Class 4 felony under this paragraph 2, if sentenced to a
3 term of imprisonment, shall be sentenced to not less than
4 one year nor more than 12 years; or

5 3. The offense occurred during a period in which the
6 person's privileges to operate a snowmobile are revoked or
7 suspended, and the revocation or suspension was for a
8 violation of this Section or was imposed under Section
9 5-7.1.

10 (e) Every person convicted of violating this Section is
11 guilty of a Class 2 felony if the offense results in the death
12 of a person. A person guilty of a Class 2 felony under this
13 subsection (e), if sentenced to a term of imprisonment, shall
14 be sentenced to a term of not less than 3 years and not more
15 than 14 years.

16 (e-1) Every person convicted of violating this Section or a
17 similar provision of a local ordinance who had a child under
18 the age of 16 on board the snowmobile at the time of offense
19 shall be subject to a mandatory minimum fine of \$500 and shall
20 be subject to a mandatory minimum of 5 days of community
21 service in a program benefiting children. The assignment under
22 this subsection shall not be subject to suspension nor shall
23 the person be eligible for probation in order to reduce the
24 assignment.

25 (e-2) Every person found guilty of violating this Section,
26 whose operation of a snowmobile while in violation of this

1 Section proximately caused any incident resulting in an
2 appropriate emergency response, shall be liable for the expense
3 of an emergency response as provided in subsection (i) of
4 Section 11-501.01 of the Illinois Vehicle Code.

5 (e-3) In addition to any other penalties and liabilities, a
6 person who is found guilty of violating this Section, including
7 any person placed on court supervision, shall be fined \$100,
8 payable to the circuit clerk, who shall distribute the money to
9 the law enforcement agency that made the arrest. In the event
10 that more than one agency is responsible for the arrest, the
11 \$100 shall be shared equally. Any moneys received by a law
12 enforcement agency under this subsection (e-3) shall be used to
13 purchase law enforcement equipment or to provide law
14 enforcement training that will assist in the prevention of
15 alcohol related criminal violence throughout the State. Law
16 enforcement equipment shall include, but is not limited to,
17 in-car video cameras, radar and laser speed detection devices,
18 and alcohol breath testers.

19 (f) In addition to any criminal penalties imposed, the
20 Department of Natural Resources shall suspend the snowmobile
21 operation privileges of a person convicted or found guilty of a
22 misdemeanor under this Section for a period of one year, except
23 that first-time offenders are exempt from this mandatory one
24 year suspension.

25 (g) In addition to any criminal penalties imposed, the
26 Department of Natural Resources shall suspend for a period of 5

1 years the snowmobile operation privileges of any person
2 convicted or found guilty of a felony under this Section.

3 (Source: P.A. 95-149, eff. 8-14-07; 96-1000, eff. 7-2-10.)

4 (625 ILCS 40/5-7.7 new)

5 Sec. 5-7.7. Operating a snowmobile with unlawful drugs in
6 blood, breath, or urine.

7 (a) A person shall not operate or be in actual physical
8 control of a snowmobile within this State while there is any
9 amount of a drug, substance, or compound in the person's
10 breath, blood, or urine resulting from the unlawful use or
11 consumption of cannabis listed in the Cannabis Control Act, a
12 controlled substance listed in the Illinois Controlled
13 Substances Act, an intoxicating compound listed in the Use of
14 Intoxicating Compounds Act, or methamphetamine as listed in the
15 Methamphetamine Control and Community Protection Act.

16 (b) This Section does not apply to the lawful consumption
17 of cannabis by a qualifying patient licensed under the
18 Compassionate Use of Medical Cannabis Pilot Program Act who is
19 in possession of a valid registry card issued under that Act.

20 (c) A person who violates subsection (a) of this Section is
21 guilty of a Class B misdemeanor for a first offense and is
22 guilty of a Class A misdemeanor for a second or subsequent
23 offense.

24 Section 20. The Boat Registration and Safety Act is amended

1 by changing Sections 5-16, 5-16a, 5-16a.1, and 5-16c and by
2 adding Section 5-16d as follows:

3 (625 ILCS 45/5-16)

4 Sec. 5-16. Operating a watercraft under the influence of
5 alcohol, other drug or drugs, intoxicating compound or
6 compounds, or combination thereof.

7 (A) 1. A person shall not operate or be in actual physical
8 control of any watercraft within this State while:

9 (a) The alcohol concentration in such person's
10 blood or breath is a concentration at which driving a
11 motor vehicle is prohibited under subdivision (1) of
12 subsection (a) of Section 11-501 of the Illinois
13 Vehicle Code;

14 (b) Under the influence of alcohol;

15 (c) Under the influence of any other drug or
16 combination of drugs to a degree which renders such
17 person incapable of safely operating any watercraft;

18 (c-1) Under the influence of any intoxicating
19 compound or combination of intoxicating compounds to a
20 degree that renders the person incapable of safely
21 operating any watercraft; or

22 (d) Under the combined influence of alcohol and any
23 other drug or drugs to a degree which renders such
24 person incapable of safely operating a watercraft. ~~or~~

25 (e) (Blank). ~~There is any amount of a drug,~~

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

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

12 3. Every person convicted of violating this Section
13 shall be guilty of a Class A misdemeanor, except as
14 otherwise provided in this Section.

15 4. Every person convicted of violating this Section
16 shall be guilty of a Class 4 felony if:

17 (a) He has a previous conviction under this
18 Section;

19 (b) The offense results in personal injury where a
20 person other than the operator suffers great bodily
21 harm or permanent disability or disfigurement, when
22 the violation was a proximate cause of the injuries. A
23 person guilty of a Class 4 felony under this
24 subparagraph (b), if sentenced to a term of
25 imprisonment, shall be sentenced to a term of not less
26 than one year nor more than 12 years; or

1 (c) The offense occurred during a period in which
2 his or her privileges to operate a watercraft are
3 revoked or suspended, and the revocation or suspension
4 was for a violation of this Section or was imposed
5 under subsection (B).

6 5. Every person convicted of violating this Section
7 shall be guilty of a Class 2 felony if the offense results
8 in the death of a person. A person guilty of a Class 2
9 felony under this paragraph 5, if sentenced to a term of
10 imprisonment, shall be sentenced to a term of not less than
11 3 years and not more than 14 years.

12 5.1. A person convicted of violating this Section or a
13 similar provision of a local ordinance who had a child
14 under the age of 16 aboard the watercraft at the time of
15 offense is subject to a mandatory minimum fine of \$500 and
16 to a mandatory minimum of 5 days of community service in a
17 program benefiting children. The assignment under this
18 paragraph 5.1 is not subject to suspension and the person
19 is not eligible for probation in order to reduce the
20 assignment.

21 5.2. A person found guilty of violating this Section,
22 if his or her operation of a watercraft while in violation
23 of this Section proximately caused any incident resulting
24 in an appropriate emergency response, is liable for the
25 expense of an emergency response as provided in subsection
26 (m) of Section 11-501 of the Illinois Vehicle Code.

1 5.3. In addition to any other penalties and
2 liabilities, a person who is found guilty of violating this
3 Section, including any person placed on court supervision,
4 shall be fined \$100, payable to the circuit clerk, who
5 shall distribute the money to the law enforcement agency
6 that made the arrest. In the event that more than one
7 agency is responsible for the arrest, the \$100 shall be
8 shared equally. Any moneys received by a law enforcement
9 agency under this paragraph 5.3 shall be used to purchase
10 law enforcement equipment or to provide law enforcement
11 training that will assist in the prevention of alcohol
12 related criminal violence throughout the State. Law
13 enforcement equipment shall include, but is not limited to,
14 in-car video cameras, radar and laser speed detection
15 devices, and alcohol breath testers.

16 6. (a) In addition to any criminal penalties imposed,
17 the Department of Natural Resources shall suspend the
18 watercraft operation privileges of any person
19 convicted or found guilty of a misdemeanor under this
20 Section, a similar provision of a local ordinance, or
21 Title 46 of the U.S. Code of Federal Regulations for a
22 period of one year, except that a first time offender
23 is exempt from this mandatory one year suspension.

24 As used in this subdivision (A)6(a), "first time
25 offender" means any person who has not had a previous
26 conviction or been assigned supervision for violating

1 this Section, a similar provision of a local ordinance
2 or, Title 46 of the U.S. Code of Federal Regulations,
3 or any person who has not had a suspension imposed
4 under subdivision (B)3.1 of Section 5-16.

5 (b) In addition to any criminal penalties imposed,
6 the Department of Natural Resources shall suspend the
7 watercraft operation privileges of any person
8 convicted of a felony under this Section, a similar
9 provision of a local ordinance, or Title 46 of the U.S.
10 Code of Federal Regulations for a period of 3 years.

11 (B) 1. Any person who operates or is in actual physical
12 control of any watercraft upon the waters of this State
13 shall be deemed to have given consent to a chemical test or
14 tests of blood, breath or urine for the purpose of
15 determining the content of alcohol, other drug or drugs,
16 intoxicating compound or compounds, or combination thereof
17 in the person's blood if arrested for any offense of
18 subsection (A) above. The chemical test or tests shall be
19 administered at the direction of the arresting officer. The
20 law enforcement agency employing the officer shall
21 designate which of the tests shall be administered. A urine
22 test may be administered even after a blood or breath test
23 or both has been administered.

24 1.1. For the purposes of this Section, an Illinois Law
25 Enforcement officer of this State who is investigating the
26 person for any offense defined in Section 5-16 may travel

1 into an adjoining state, where the person has been
2 transported for medical care to complete an investigation,
3 and may request that the person submit to the test or tests
4 set forth in this Section. The requirements of this Section
5 that the person be arrested are inapplicable, but the
6 officer shall issue the person a uniform citation for an
7 offense as defined in Section 5-16 or a similar provision
8 of a local ordinance prior to requesting that the person
9 submit to the test or tests. The issuance of the uniform
10 citation shall not constitute an arrest, but shall be for
11 the purpose of notifying the person that he or she is
12 subject to the provisions of this Section and of the
13 officer's belief in the existence of probable cause to
14 arrest. Upon returning to this State, the officer shall
15 file the uniform citation with the circuit clerk of the
16 county where the offense was committed and shall seek the
17 issuance of an arrest warrant or a summons for the person.

18 1.2. Notwithstanding any ability to refuse under this
19 Act to submit to these tests or any ability to revoke the
20 implied consent to these tests, if a law enforcement
21 officer has probable cause to believe that a watercraft
22 operated by or under actual physical control of a person
23 under the influence of alcohol, other drug or drugs,
24 intoxicating compound or compounds, or any combination of
25 them has caused the death of or personal injury to another,
26 that person shall submit, upon the request of a law

1 enforcement officer, to a chemical test or tests of his or
2 her blood, breath, or urine for the purpose of determining
3 the alcohol content or the presence of any other drug,
4 intoxicating compound, or combination of them. For the
5 purposes of this Section, a personal injury includes severe
6 bleeding wounds, distorted extremities, and injuries that
7 require the injured party to be carried from the scene for
8 immediate professional attention in either a doctor's
9 office or a medical facility.

10 2. Any person who is dead, unconscious or who is
11 otherwise in a condition rendering such person incapable of
12 refusal, shall be deemed not to have withdrawn the consent
13 provided above, and the test may be administered.

14 3. A person requested to submit to a chemical test as
15 provided above shall be verbally advised by the law
16 enforcement officer requesting the test that a refusal to
17 submit to the test will result in suspension of such
18 person's privilege to operate a watercraft for a minimum of
19 2 years. Following this warning, if a person under arrest
20 refuses upon the request of a law enforcement officer to
21 submit to a test designated by the officer, no test shall
22 be given, but the law enforcement officer shall file with
23 the clerk of the circuit court for the county in which the
24 arrest was made, and with the Department of Natural
25 Resources, a sworn statement naming the person refusing to
26 take and complete the chemical test or tests requested

1 under the provisions of this Section. Such sworn statement
2 shall identify the arrested person, such person's current
3 residence address and shall specify that a refusal by such
4 person to take the chemical test or tests was made. Such
5 sworn statement shall include a statement that the
6 arresting officer had reasonable cause to believe the
7 person was operating or was in actual physical control of
8 the watercraft within this State while under the influence
9 of alcohol, other drug or drugs, intoxicating compound or
10 compounds, or combination thereof and that such chemical
11 test or tests were made as an incident to and following the
12 lawful arrest for an offense as defined in this Section or
13 a similar provision of a local ordinance, and that the
14 person after being arrested for an offense arising out of
15 acts alleged to have been committed while so operating a
16 watercraft refused to submit to and complete a chemical
17 test or tests as requested by the law enforcement officer.

18 3.1. The law enforcement officer submitting the sworn
19 statement as provided in paragraph 3 of this subsection (B)
20 shall serve immediate written notice upon the person
21 refusing the chemical test or tests that the person's
22 privilege to operate a watercraft within this State will be
23 suspended for a period of 2 years unless, within 28 days
24 from the date of the notice, the person requests in writing
25 a hearing on the suspension.

26 If the person desires a hearing, such person shall file

1 a complaint in the circuit court for and in the county in
2 which such person was arrested for such hearing. Such
3 hearing shall proceed in the court in the same manner as
4 other civil proceedings, shall cover only the issues of
5 whether the person was placed under arrest for an offense
6 as defined in this Section or a similar provision of a
7 local ordinance as evidenced by the issuance of a uniform
8 citation; whether the arresting officer had reasonable
9 grounds to believe that such person was operating a
10 watercraft while under the influence of alcohol, other drug
11 or drugs, intoxicating compound or compounds, or
12 combination thereof; and whether such person refused to
13 submit and complete the chemical test or tests upon the
14 request of the law enforcement officer. Whether the person
15 was informed that such person's privilege to operate a
16 watercraft would be suspended if such person refused to
17 submit to the chemical test or tests shall not be an issue.

18 If the person fails to request in writing a hearing
19 within 28 days from the date of notice, or if a hearing is
20 held and the court finds against the person on the issues
21 before the court, the clerk shall immediately notify the
22 Department of Natural Resources, and the Department shall
23 suspend the watercraft operation privileges of the person
24 for at least 2 years.

25 3.2. If the person submits to a test that discloses an
26 alcohol concentration of 0.08 or more, or any amount of a

1 drug, substance or intoxicating compound in the person's
2 breath, blood, or urine after exhibiting other indicia that
3 the person is incapable of operating a motorboat safely
4 resulting from the unlawful use of cannabis listed in the
5 Cannabis Control Act, a controlled substance listed in the
6 Illinois Controlled Substances Act, or an intoxicating
7 compound listed in the Use of Intoxicating Compounds Act,
8 the law enforcement officer shall immediately submit a
9 sworn report to the circuit clerk of venue and the
10 Department of Natural Resources, certifying that the test
11 or tests were requested under paragraph 1 of this
12 subsection (B) and the person submitted to testing that
13 disclosed an alcohol concentration of 0.08 or more.

14 In cases where the blood alcohol concentration of 0.08
15 or greater or any amount of drug, substance or compound
16 after exhibiting other indicia that the person is incapable
17 of operating a motorboat safely resulting from the unlawful
18 use of cannabis, a controlled substance or an intoxicating
19 compound is established by a subsequent analysis of blood
20 or urine collected at the time of arrest, the arresting
21 officer or arresting agency shall immediately submit a
22 sworn report to the circuit clerk of venue and the
23 Department of Natural Resources upon receipt of the test
24 results.

25 4. A person must submit to each chemical test offered
26 by the law enforcement officer in order to comply with the

1 implied consent provisions of this Section.

2 5. The provisions of Section 11-501.2 of the Illinois
3 Vehicle Code, as amended, concerning the certification and
4 use of chemical tests apply to the use of such tests under
5 this Section.

6 (C) Upon the trial of any civil or criminal action or
7 proceeding arising out of acts alleged to have been committed
8 by any person while operating a watercraft while under the
9 influence of alcohol, the concentration of alcohol in the
10 person's blood or breath at the time alleged as shown by
11 analysis of a person's blood, urine, breath, or other bodily
12 substance shall give rise to the presumptions specified in
13 subdivisions 1, 2, and 3 of subsection (b) of Section 11-501.2
14 of the Illinois Vehicle Code. The foregoing provisions of this
15 subsection (C) shall not be construed as limiting the
16 introduction of any other relevant evidence bearing upon the
17 question whether the person was under the influence of alcohol.

18 (D) If a person under arrest refuses to submit to a
19 chemical test under the provisions of this Section, evidence of
20 refusal shall be admissible in any civil or criminal action or
21 proceeding arising out of acts alleged to have been committed
22 while the person under the influence of alcohol, other drug or
23 drugs, intoxicating compound or compounds, or combination of
24 them was operating a watercraft.

25 (E) The owner of any watercraft or any person given
26 supervisory authority over a watercraft, may not knowingly

1 permit a watercraft to be operated by any person under the
2 influence of alcohol, other drug or drugs, intoxicating
3 compound or compounds, or combination thereof.

4 (F) Whenever any person is convicted or found guilty of a
5 violation of this Section, including any person placed on court
6 supervision, the court shall notify the Office of Law
7 Enforcement of the Department of Natural Resources, to provide
8 the Department with the records essential for the performance
9 of the Department's duties to monitor and enforce any order of
10 suspension or revocation concerning the privilege to operate a
11 watercraft.

12 (G) No person who has been arrested and charged for
13 violating paragraph 1 of subsection (A) of this Section shall
14 operate any watercraft within this State for a period of 24
15 hours after such arrest.

16 (Source: P.A. 94-214, eff. 1-1-06; 95-149, eff. 8-14-07.)

17 (625 ILCS 45/5-16a) (from Ch. 95 1/2, par. 315-11a)

18 Sec. 5-16a. Admissibility of chemical tests of blood or
19 urine conducted in the regular course of providing emergency
20 medical treatment.

21 (a) Notwithstanding any other provision of law, the written
22 results of blood or urine alcohol tests conducted upon persons
23 receiving medical treatment in a hospital emergency room are
24 admissible in evidence as a business record exception to the
25 hearsay rule only in prosecutions for any violation of Section

1 5-16 or 5-16d of this Act or a similar provision of a local
2 ordinance or in prosecutions for reckless homicide brought
3 under the Criminal Code of 1961 or the Criminal Code of 2012,
4 when:

5 (1) the chemical tests performed upon an individual's
6 blood or urine were ordered in the regular course of
7 providing emergency treatment and not at the request of law
8 enforcement authorities; and

9 (2) the chemical tests performed upon an individual's
10 blood or urine were performed by the laboratory routinely
11 used by the hospital.

12 Results of chemical tests performed upon an individual's
13 blood or urine are admissible into evidence regardless of the
14 time that the records were prepared.

15 (b) The confidentiality provisions of law pertaining to
16 medical records and medical treatment shall not be applicable
17 with regard to chemical tests performed upon an individual's
18 blood or urine under the provisions of this Section in
19 prosecutions as specified in subsection (a) of this Section. No
20 person shall be liable for civil damages as a result of the
21 evidentiary use of the results of chemical testing of an
22 individual's blood or urine under this Section or as a result
23 of that person's testimony made available under this Section.

24 (Source: P.A. 96-289, eff. 8-11-09; 97-1150, eff. 1-25-13.)

25 (625 ILCS 45/5-16a.1)

1 Sec. 5-16a.1. Reporting of test results of blood or urine
2 conducted in the regular course of providing emergency medical
3 treatment.

4 (a) Notwithstanding any other provision of law, the results
5 of blood or urine tests performed for the purpose of
6 determining the content of alcohol, other drug or drugs,
7 intoxicating compound or compounds, or any combination of them
8 in an individual's blood or urine, conducted upon persons
9 receiving medical treatment in a hospital emergency room for
10 injuries resulting from a boating accident, shall be disclosed
11 to the Department of Natural Resources or local law enforcement
12 agencies of jurisdiction, upon request. The blood or urine
13 tests are admissible in evidence as a business record exception
14 to the hearsay rule only in prosecutions for violations of
15 Section 5-16 or 5-16d of this Code or a similar provision of a
16 local ordinance, or in prosecutions for reckless homicide
17 brought under the Criminal Code of 1961 or the Criminal Code of
18 2012.

19 (b) The confidentiality provisions of the law pertaining to
20 medical records and medical treatment shall not be applicable
21 with regard to tests performed upon an individual's blood or
22 urine under the provisions of subsection (a) of this Section.
23 No person is liable for civil damages or professional
24 discipline as a result of disclosure or reporting of the tests
25 or the evidentiary use of an individual's blood or urine test
26 results under this Section or Section 5-16a, or as a result of

1 that person's testimony made available under this Section or
2 Section 5-16a, except for willful or wanton misconduct.

3 (Source: P.A. 97-1150, eff. 1-25-13.)

4 (625 ILCS 45/5-16c)

5 Sec. 5-16c. Operator involvement in personal injury or
6 fatal boating accident; chemical tests.

7 (a) Any person who operates or is in actual physical
8 control of a motorboat within this State and who has been
9 involved in a personal injury or fatal boating accident shall
10 be deemed to have given consent to a breath test using a
11 portable device as approved by the Department of State Police
12 or to a chemical test or tests of blood, breath, or urine for
13 the purpose of determining the content of alcohol, other drug
14 or drugs, or intoxicating compound or compounds of the person's
15 blood if arrested as evidenced by the issuance of a uniform
16 citation for a violation of the Boat Registration and Safety
17 Act or a similar provision of a local ordinance, with the
18 exception of equipment violations contained in Article IV of
19 this Act or similar provisions of local ordinances. The test or
20 tests shall be administered at the direction of the arresting
21 officer. The law enforcement agency employing the officer shall
22 designate which of the aforesaid tests shall be administered. A
23 urine test may be administered even after a blood or breath
24 test or both has been administered. Compliance with this
25 Section does not relieve the person from the requirements of

1 any other Section of this Act.

2 (b) Any person who is dead, unconscious, or who is
3 otherwise in a condition rendering that person incapable of
4 refusal shall be deemed not to have withdrawn the consent
5 provided by subsection (a) of this Section. In addition, if an
6 operator of a motorboat is receiving medical treatment as a
7 result of a boating accident, any physician licensed to
8 practice medicine, licensed physician assistant, licensed
9 advanced practice nurse, registered nurse, or a phlebotomist
10 acting under the direction of a licensed physician shall
11 withdraw blood for testing purposes to ascertain the presence
12 of alcohol, other drug or drugs, or intoxicating compound or
13 compounds, upon the specific request of a law enforcement
14 officer. However, this testing shall not be performed until, in
15 the opinion of the medical personnel on scene, the withdrawal
16 can be made without interfering with or endangering the
17 well-being of the patient.

18 (c) A person requested to submit to a test under subsection
19 (a) of this Section shall be warned by the law enforcement
20 officer requesting the test that a refusal to submit to the
21 test, or submission to the test resulting in an alcohol
22 concentration of 0.08 or more, or any amount of a drug,
23 substance, or intoxicating compound resulting from the
24 unlawful use or consumption of cannabis listed in the Cannabis
25 Control Act, a controlled substance listed in the Illinois
26 Controlled Substances Act, an intoxicating compound listed in

1 the Use of Intoxicating Compounds Act, or methamphetamine as
2 listed in the Methamphetamine Control and Community Protection
3 Act as detected in the person's blood or urine, may result in
4 the suspension of the person's privilege to operate a motor
5 vehicle and may result in the disqualification of the person's
6 privilege to operate a commercial motor vehicle, as provided in
7 Section 6-514 of the Illinois Vehicle Code, if the person is a
8 CDL holder. The length of the suspension shall be the same as
9 outlined in Section 6-208.1 of the Illinois Vehicle Code
10 regarding statutory summary suspensions.

11 (d) If the person refuses testing or submits to a test
12 which discloses an alcohol concentration of 0.08 or more, or
13 any amount of a drug, substance, or intoxicating compound in
14 the person's blood or urine after exhibiting other indicia that
15 the person is incapable of operating a motorboat safely
16 resulting from the unlawful use or consumption of cannabis
17 listed in the Cannabis Control Act, a controlled substance
18 listed in the Illinois Controlled Substances Act, an
19 intoxicating compound listed in the Use of Intoxicating
20 Compounds Act, or methamphetamine as listed in the
21 Methamphetamine Control and Community Protection Act, the law
22 enforcement officer shall immediately submit a sworn report to
23 the Secretary of State on a form prescribed by the Secretary of
24 State, certifying that the test or tests were requested under
25 subsection (a) of this Section and the person refused to submit
26 to a test or tests or submitted to testing which disclosed an

1 alcohol concentration of 0.08 or more, or any amount of a drug,
2 substance, or intoxicating compound in the person's blood or
3 urine, after exhibiting other indicia that the person is
4 incapable of operating a motorboat safely resulting from the
5 unlawful use or consumption of cannabis listed in the Cannabis
6 Control Act, a controlled substance listed in the Illinois
7 Controlled Substances Act, an intoxicating compound listed in
8 the Use of Intoxicating Compounds Act, or methamphetamine as
9 listed in the Methamphetamine Control and Community Protection
10 Act.

11 Upon receipt of the sworn report of a law enforcement
12 officer, the Secretary of State shall enter the suspension and
13 disqualification to the person's driving record and the
14 suspension and disqualification shall be effective on the 46th
15 day following the date notice of the suspension was given to
16 the person.

17 The law enforcement officer submitting the sworn report
18 shall serve immediate notice of this suspension on the person
19 and this suspension and disqualification shall be effective on
20 the 46th day following the date notice was given.

21 In cases where the blood alcohol concentration of 0.08 or
22 more, or any amount of a drug, substance, or intoxicating
23 compound after exhibiting other indicia that the person is
24 incapable of operating a motorboat safely resulting from the
25 unlawful use or consumption of cannabis listed in the Cannabis
26 Control Act, a controlled substance listed in the Illinois

1 Controlled Substances Act, an intoxicating compound listed in
2 the Use of Intoxicating Compounds Act, or methamphetamine as
3 listed in the Methamphetamine Control and Community Protection
4 Act, is established by a subsequent analysis of blood or urine
5 collected at the time of arrest, the arresting officer shall
6 give notice as provided in this Section or by deposit in the
7 United States mail of this notice in an envelope with postage
8 prepaid and addressed to the person at his or her address as
9 shown on the uniform citation and the suspension and
10 disqualification shall be effective on the 46th day following
11 the date notice was given.

12 Upon receipt of the sworn report of a law enforcement
13 officer, the Secretary of State shall also give notice of the
14 suspension and disqualification to the person by mailing a
15 notice of the effective date of the suspension and
16 disqualification to the person. However, should the sworn
17 report be defective by not containing sufficient information or
18 be completed in error, the notice of the suspension and
19 disqualification shall not be mailed to the person or entered
20 to the driving record, but rather the sworn report shall be
21 returned to the issuing law enforcement agency.

22 (e) A person may contest this suspension of his or her
23 driving privileges and disqualification of his or her CDL
24 privileges by requesting an administrative hearing with the
25 Secretary of State in accordance with Section 2-118 of the
26 Illinois Vehicle Code. At the conclusion of a hearing held

1 under Section 2-118 of the Illinois Vehicle Code, the Secretary
2 of State may rescind, continue, or modify the orders of
3 suspension and disqualification. If the Secretary of State does
4 not rescind the orders of suspension and disqualification, a
5 restricted driving permit may be granted by the Secretary of
6 State upon application being made and good cause shown. A
7 restricted driving permit may be granted to relieve undue
8 hardship to allow driving for employment, educational, and
9 medical purposes as outlined in Section 6-206 of the Illinois
10 Vehicle Code. The provisions of Section 6-206 of the Illinois
11 Vehicle Code shall apply. In accordance with 49 C.F.R. 384, the
12 Secretary of State may not issue a restricted driving permit
13 for the operation of a commercial motor vehicle to a person
14 holding a CDL whose driving privileges have been suspended,
15 revoked, cancelled, or disqualified.

16 (f) For the purposes of this Section, a personal injury
17 shall include any type A injury as indicated on the accident
18 report completed by a law enforcement officer that requires
19 immediate professional attention in a doctor's office or a
20 medical facility. A type A injury shall include severely
21 bleeding wounds, distorted extremities, and injuries that
22 require the injured party to be carried from the scene.

23 (Source: P.A. 98-103, eff. 1-1-14.)

24 (625 ILCS 45/5-16d new)

25 Sec. 5-16d. Operating a watercraft with unlawful drugs in

1 blood, breath, or urine.

2 (a) A person shall not operate or be in actual physical
3 control of a watercraft within this State while there is any
4 amount of a drug, substance, or compound in the person's
5 breath, blood, or urine resulting from the unlawful use or
6 consumption of cannabis listed in the Cannabis Control Act, a
7 controlled substance listed in the Illinois Controlled
8 Substances Act, an intoxicating compound listed in the Use of
9 Intoxicating Compounds Act, or methamphetamine as listed in the
10 Methamphetamine Control and Community Protection Act.

11 (b) This Section does not apply to the lawful consumption
12 of cannabis by a qualifying patient licensed under the
13 Compassionate Use of Medical Cannabis Pilot Program Act who is
14 in possession of a valid registry card issued under that Act.

15 (c) A person who violates subsection (a) of this Section is
16 guilty of a Class B misdemeanor for a first offense and is
17 guilty of a Class A misdemeanor for a second or subsequent
18 offense.

19 Section 25. The Unified Code of Corrections is amended by
20 changing Sections 5-4-1 and 5-9-1.9 as follows:

21 (730 ILCS 5/5-4-1) (from Ch. 38, par. 1005-4-1)

22 Sec. 5-4-1. Sentencing Hearing.

23 (a) Except when the death penalty is sought under hearing
24 procedures otherwise specified, after a determination of

1 guilt, a hearing shall be held to impose the sentence. However,
2 prior to the imposition of sentence on an individual being
3 sentenced for an offense based upon a charge for a violation of
4 Section 11-501 or 11-508 of the Illinois Vehicle Code or a
5 similar provision of a local ordinance, the individual must
6 undergo a professional evaluation to determine if an alcohol or
7 other drug abuse problem exists and the extent of such a
8 problem. Programs conducting these evaluations shall be
9 licensed by the Department of Human Services. However, if the
10 individual is not a resident of Illinois, the court may, in its
11 discretion, accept an evaluation from a program in the state of
12 such individual's residence. The court may in its sentencing
13 order approve an eligible defendant for placement in a
14 Department of Corrections impact incarceration program as
15 provided in Section 5-8-1.1 or 5-8-1.3. The court may in its
16 sentencing order recommend a defendant for placement in a
17 Department of Corrections substance abuse treatment program as
18 provided in paragraph (a) of subsection (1) of Section 3-2-2
19 conditioned upon the defendant being accepted in a program by
20 the Department of Corrections. At the hearing the court shall:

21 (1) consider the evidence, if any, received upon the
22 trial;

23 (2) consider any presentence reports;

24 (3) consider the financial impact of incarceration
25 based on the financial impact statement filed with the
26 clerk of the court by the Department of Corrections;

1 (4) consider evidence and information offered by the
2 parties in aggravation and mitigation;

3 (4.5) consider substance abuse treatment, eligibility
4 screening, and an assessment, if any, of the defendant by
5 an agent designated by the State of Illinois to provide
6 assessment services for the Illinois courts;

7 (5) hear arguments as to sentencing alternatives;

8 (6) afford the defendant the opportunity to make a
9 statement in his own behalf;

10 (7) afford the victim of a violent crime or a violation
11 of Section 11-501 of the Illinois Vehicle Code, or a
12 similar provision of a local ordinance, or a qualified
13 individual affected by: (i) a violation of Section 405,
14 405.1, 405.2, or 407 of the Illinois Controlled Substances
15 Act or a violation of Section 55 or Section 65 of the
16 Methamphetamine Control and Community Protection Act, or
17 (ii) a Class 4 felony violation of Section 11-14, 11-14.3
18 except as described in subdivisions (a)(2)(A) and
19 (a)(2)(B), 11-15, 11-17, 11-18, 11-18.1, or 11-19 of the
20 Criminal Code of 1961 or the Criminal Code of 2012,
21 committed by the defendant the opportunity to make a
22 statement concerning the impact on the victim and to offer
23 evidence in aggravation or mitigation; provided that the
24 statement and evidence offered in aggravation or
25 mitigation must first be prepared in writing in conjunction
26 with the State's Attorney before it may be presented orally

1 at the hearing. Any sworn testimony offered by the victim
2 is subject to the defendant's right to cross-examine. All
3 statements and evidence offered under this paragraph (7)
4 shall become part of the record of the court. For the
5 purpose of this paragraph (7), "qualified individual"
6 means any person who (i) lived or worked within the
7 territorial jurisdiction where the offense took place when
8 the offense took place; and (ii) is familiar with various
9 public places within the territorial jurisdiction where
10 the offense took place when the offense took place. For the
11 purposes of this paragraph (7), "qualified individual"
12 includes any peace officer, or any member of any duly
13 organized State, county, or municipal peace unit assigned
14 to the territorial jurisdiction where the offense took
15 place when the offense took place;

16 (8) in cases of reckless homicide afford the victim's
17 spouse, guardians, parents or other immediate family
18 members an opportunity to make oral statements;

19 (9) in cases involving a felony sex offense as defined
20 under the Sex Offender Management Board Act, consider the
21 results of the sex offender evaluation conducted pursuant
22 to Section 5-3-2 of this Act; and

23 (10) make a finding of whether a motor vehicle was used
24 in the commission of the offense for which the defendant is
25 being sentenced.

26 (b) All sentences shall be imposed by the judge based upon

1 his independent assessment of the elements specified above and
2 any agreement as to sentence reached by the parties. The judge
3 who presided at the trial or the judge who accepted the plea of
4 guilty shall impose the sentence unless he is no longer sitting
5 as a judge in that court. Where the judge does not impose
6 sentence at the same time on all defendants who are convicted
7 as a result of being involved in the same offense, the
8 defendant or the State's Attorney may advise the sentencing
9 court of the disposition of any other defendants who have been
10 sentenced.

11 (c) In imposing a sentence for a violent crime or for an
12 offense of operating or being in physical control of a vehicle
13 while under the influence of alcohol, any other drug or any
14 combination thereof, or a similar provision of a local
15 ordinance, when such offense resulted in the personal injury to
16 someone other than the defendant, the trial judge shall specify
17 on the record the particular evidence, information, factors in
18 mitigation and aggravation or other reasons that led to his
19 sentencing determination. The full verbatim record of the
20 sentencing hearing shall be filed with the clerk of the court
21 and shall be a public record.

22 (c-1) In imposing a sentence for the offense of aggravated
23 kidnapping for ransom, home invasion, armed robbery,
24 aggravated vehicular hijacking, aggravated discharge of a
25 firearm, or armed violence with a category I weapon or category
26 II weapon, the trial judge shall make a finding as to whether

1 the conduct leading to conviction for the offense resulted in
2 great bodily harm to a victim, and shall enter that finding and
3 the basis for that finding in the record.

4 (c-2) If the defendant is sentenced to prison, other than
5 when a sentence of natural life imprisonment or a sentence of
6 death is imposed, at the time the sentence is imposed the judge
7 shall state on the record in open court the approximate period
8 of time the defendant will serve in custody according to the
9 then current statutory rules and regulations for sentence
10 credit found in Section 3-6-3 and other related provisions of
11 this Code. This statement is intended solely to inform the
12 public, has no legal effect on the defendant's actual release,
13 and may not be relied on by the defendant on appeal.

14 The judge's statement, to be given after pronouncing the
15 sentence, other than when the sentence is imposed for one of
16 the offenses enumerated in paragraph (a)(3) of Section 3-6-3,
17 shall include the following:

18 "The purpose of this statement is to inform the public of
19 the actual period of time this defendant is likely to spend in
20 prison as a result of this sentence. The actual period of
21 prison time served is determined by the statutes of Illinois as
22 applied to this sentence by the Illinois Department of
23 Corrections and the Illinois Prisoner Review Board. In this
24 case, assuming the defendant receives all of his or her
25 sentence credit, the period of estimated actual custody is ...
26 years and ... months, less up to 180 days additional sentence

1 credit for good conduct. If the defendant, because of his or
2 her own misconduct or failure to comply with the institutional
3 regulations, does not receive those credits, the actual time
4 served in prison will be longer. The defendant may also receive
5 an additional one-half day sentence credit for each day of
6 participation in vocational, industry, substance abuse, and
7 educational programs as provided for by Illinois statute."

8 When the sentence is imposed for one of the offenses
9 enumerated in paragraph (a)(3) of Section 3-6-3, other than
10 when the sentence is imposed for one of the offenses enumerated
11 in paragraph (a)(2) of Section 3-6-3 committed on or after June
12 19, 1998, and other than when the sentence is imposed for
13 reckless homicide as defined in subsection (e) of Section 9-3
14 of the Criminal Code of 1961 or the Criminal Code of 2012 if
15 the offense was committed on or after January 1, 1999, and
16 other than when the sentence is imposed for aggravated arson if
17 the offense was committed on or after July 27, 2001 (the
18 effective date of Public Act 92-176), and other than when the
19 sentence is imposed for aggravated driving under the influence
20 of alcohol, other drug or drugs, or intoxicating compound or
21 compounds, or any combination thereof as defined in
22 subparagraph (C) of paragraph (1) of subsection (d) of Section
23 11-501 of the Illinois Vehicle Code committed on or after
24 January 1, 2011 (the effective date of Public Act 96-1230), the
25 judge's statement, to be given after pronouncing the sentence,
26 shall include the following:

1 "The purpose of this statement is to inform the public of
2 the actual period of time this defendant is likely to spend in
3 prison as a result of this sentence. The actual period of
4 prison time served is determined by the statutes of Illinois as
5 applied to this sentence by the Illinois Department of
6 Corrections and the Illinois Prisoner Review Board. In this
7 case, assuming the defendant receives all of his or her
8 sentence credit, the period of estimated actual custody is ...
9 years and ... months, less up to 90 days additional sentence
10 credit for good conduct. If the defendant, because of his or
11 her own misconduct or failure to comply with the institutional
12 regulations, does not receive those credits, the actual time
13 served in prison will be longer. The defendant may also receive
14 an additional one-half day sentence credit for each day of
15 participation in vocational, industry, substance abuse, and
16 educational programs as provided for by Illinois statute."

17 When the sentence is imposed for one of the offenses
18 enumerated in paragraph (a)(2) of Section 3-6-3, other than
19 first degree murder, and the offense was committed on or after
20 June 19, 1998, and when the sentence is imposed for reckless
21 homicide as defined in subsection (e) of Section 9-3 of the
22 Criminal Code of 1961 or the Criminal Code of 2012 if the
23 offense was committed on or after January 1, 1999, and when the
24 sentence is imposed for aggravated driving under the influence
25 of alcohol, other drug or drugs, or intoxicating compound or
26 compounds, or any combination thereof as defined in

1 subparagraph (F) of paragraph (1) of subsection (d) of Section
2 11-501 of the Illinois Vehicle Code, and when the sentence is
3 imposed for aggravated arson if the offense was committed on or
4 after July 27, 2001 (the effective date of Public Act 92-176),
5 and when the sentence is imposed for aggravated driving under
6 the influence of alcohol, other drug or drugs, or intoxicating
7 compound or compounds, or any combination thereof as defined in
8 subparagraph (C) of paragraph (1) of subsection (d) of Section
9 11-501 of the Illinois Vehicle Code committed on or after
10 January 1, 2011 (the effective date of Public Act 96-1230), the
11 judge's statement, to be given after pronouncing the sentence,
12 shall include the following:

13 "The purpose of this statement is to inform the public of
14 the actual period of time this defendant is likely to spend in
15 prison as a result of this sentence. The actual period of
16 prison time served is determined by the statutes of Illinois as
17 applied to this sentence by the Illinois Department of
18 Corrections and the Illinois Prisoner Review Board. In this
19 case, the defendant is entitled to no more than 4 1/2 days of
20 sentence credit for each month of his or her sentence of
21 imprisonment. Therefore, this defendant will serve at least 85%
22 of his or her sentence. Assuming the defendant receives 4 1/2
23 days credit for each month of his or her sentence, the period
24 of estimated actual custody is ... years and ... months. If the
25 defendant, because of his or her own misconduct or failure to
26 comply with the institutional regulations receives lesser

1 credit, the actual time served in prison will be longer."

2 When a sentence of imprisonment is imposed for first degree
3 murder and the offense was committed on or after June 19, 1998,
4 the judge's statement, to be given after pronouncing the
5 sentence, shall include the following:

6 "The purpose of this statement is to inform the public of
7 the actual period of time this defendant is likely to spend in
8 prison as a result of this sentence. The actual period of
9 prison time served is determined by the statutes of Illinois as
10 applied to this sentence by the Illinois Department of
11 Corrections and the Illinois Prisoner Review Board. In this
12 case, the defendant is not entitled to sentence credit.
13 Therefore, this defendant will serve 100% of his or her
14 sentence."

15 When the sentencing order recommends placement in a
16 substance abuse program for any offense that results in
17 incarceration in a Department of Corrections facility and the
18 crime was committed on or after September 1, 2003 (the
19 effective date of Public Act 93-354), the judge's statement, in
20 addition to any other judge's statement required under this
21 Section, to be given after pronouncing the sentence, shall
22 include the following:

23 "The purpose of this statement is to inform the public of
24 the actual period of time this defendant is likely to spend in
25 prison as a result of this sentence. The actual period of
26 prison time served is determined by the statutes of Illinois as

1 applied to this sentence by the Illinois Department of
2 Corrections and the Illinois Prisoner Review Board. In this
3 case, the defendant shall receive no sentence credit for good
4 conduct under clause (3) of subsection (a) of Section 3-6-3
5 until he or she participates in and completes a substance abuse
6 treatment program or receives a waiver from the Director of
7 Corrections pursuant to clause (4.5) of subsection (a) of
8 Section 3-6-3."

9 (c-4) Before the sentencing hearing and as part of the
10 presentence investigation under Section 5-3-1, the court shall
11 inquire of the defendant whether the defendant is currently
12 serving in or is a veteran of the Armed Forces of the United
13 States. If the defendant is currently serving in the Armed
14 Forces of the United States or is a veteran of the Armed Forces
15 of the United States and has been diagnosed as having a mental
16 illness by a qualified psychiatrist or clinical psychologist or
17 physician, the court may:

18 (1) order that the officer preparing the presentence
19 report consult with the United States Department of
20 Veterans Affairs, Illinois Department of Veterans'
21 Affairs, or another agency or person with suitable
22 knowledge or experience for the purpose of providing the
23 court with information regarding treatment options
24 available to the defendant, including federal, State, and
25 local programming; and

26 (2) consider the treatment recommendations of any

1 diagnosing or treating mental health professionals
2 together with the treatment options available to the
3 defendant in imposing sentence.

4 For the purposes of this subsection (c-4), "qualified
5 psychiatrist" means a reputable physician licensed in Illinois
6 to practice medicine in all its branches, who has specialized
7 in the diagnosis and treatment of mental and nervous disorders
8 for a period of not less than 5 years.

9 (c-6) In imposing a sentence, the trial judge shall
10 specify, on the record, the particular evidence and other
11 reasons which led to his or her determination that a motor
12 vehicle was used in the commission of the offense.

13 (d) When the defendant is committed to the Department of
14 Corrections, the State's Attorney shall and counsel for the
15 defendant may file a statement with the clerk of the court to
16 be transmitted to the department, agency or institution to
17 which the defendant is committed to furnish such department,
18 agency or institution with the facts and circumstances of the
19 offense for which the person was committed together with all
20 other factual information accessible to them in regard to the
21 person prior to his commitment relative to his habits,
22 associates, disposition and reputation and any other facts and
23 circumstances which may aid such department, agency or
24 institution during its custody of such person. The clerk shall
25 within 10 days after receiving any such statements transmit a
26 copy to such department, agency or institution and a copy to

1 the other party, provided, however, that this shall not be
2 cause for delay in conveying the person to the department,
3 agency or institution to which he has been committed.

4 (e) The clerk of the court shall transmit to the
5 department, agency or institution, if any, to which the
6 defendant is committed, the following:

7 (1) the sentence imposed;

8 (2) any statement by the court of the basis for
9 imposing the sentence;

10 (3) any presentence reports;

11 (3.5) any sex offender evaluations;

12 (3.6) any substance abuse treatment eligibility
13 screening and assessment of the defendant by an agent
14 designated by the State of Illinois to provide assessment
15 services for the Illinois courts;

16 (4) the number of days, if any, which the defendant has
17 been in custody and for which he is entitled to credit
18 against the sentence, which information shall be provided
19 to the clerk by the sheriff;

20 (4.1) any finding of great bodily harm made by the
21 court with respect to an offense enumerated in subsection
22 (c-1);

23 (5) all statements filed under subsection (d) of this
24 Section;

25 (6) any medical or mental health records or summaries
26 of the defendant;

1 (7) the municipality where the arrest of the offender
2 or the commission of the offense has occurred, where such
3 municipality has a population of more than 25,000 persons;

4 (8) all statements made and evidence offered under
5 paragraph (7) of subsection (a) of this Section; and

6 (9) all additional matters which the court directs the
7 clerk to transmit.

8 (f) In cases in which the court finds that a motor vehicle
9 was used in the commission of the offense for which the
10 defendant is being sentenced, the clerk of the court shall,
11 within 5 days thereafter, forward a report of such conviction
12 to the Secretary of State.

13 (Source: P.A. 96-86, eff. 1-1-10; 96-1180, eff. 1-1-11;
14 96-1230, eff. 1-1-11; 96-1551, eff. 7-1-11; 97-333, eff.
15 8-12-11; 97-697, eff. 6-22-12; 97-1150, eff. 1-25-13.)

16 (730 ILCS 5/5-9-1.9)

17 Sec. 5-9-1.9. DUI analysis fee.

18 (a) "Crime laboratory" means a not-for-profit laboratory
19 substantially funded by a single unit or combination of units
20 of local government or the State of Illinois that regularly
21 employs at least one person engaged in the DUI analysis of
22 blood and urine for criminal justice agencies in criminal
23 matters and provides testimony with respect to such
24 examinations.

25 "DUI analysis" means an analysis of blood or urine for

1 purposes of determining whether a violation of Section 11-501
2 or 11-508 of the Illinois Vehicle Code has occurred.

3 (b) When a person has been adjudged guilty of an offense in
4 violation of Section 11-501 or 11-508 of the Illinois Vehicle
5 Code, in addition to any other disposition, penalty, or fine
6 imposed, a crime laboratory DUI analysis fee of \$150 for each
7 offense for which the person was convicted shall be levied by
8 the court for each case in which a laboratory analysis
9 occurred. Upon verified petition of the person, the court may
10 suspend payment of all or part of the fee if it finds that the
11 person does not have the ability to pay the fee.

12 (c) In addition to any other disposition made under the
13 provisions of the Juvenile Court Act of 1987, any minor
14 adjudicated delinquent for an offense which if committed by an
15 adult would constitute a violation of Section 11-501 or 11-508
16 of the Illinois Vehicle Code shall be assessed a crime
17 laboratory DUI analysis fee of \$150 for each adjudication. Upon
18 verified petition of the minor, the court may suspend payment
19 of all or part of the fee if it finds that the minor does not
20 have the ability to pay the fee. The parent, guardian, or legal
21 custodian of the minor may pay some or all of the fee on the
22 minor's behalf.

23 (d) All crime laboratory DUI analysis fees provided for by
24 this Section shall be collected by the clerk of the court and
25 forwarded to the appropriate crime laboratory DUI fund as
26 provided in subsection (f).

1 (e) Crime laboratory funds shall be established as follows:

2 (1) A unit of local government that maintains a crime
3 laboratory may establish a crime laboratory DUI fund within
4 the office of the county or municipal treasurer.

5 (2) Any combination of units of local government that
6 maintains a crime laboratory may establish a crime
7 laboratory DUI fund within the office of the treasurer of
8 the county where the crime laboratory is situated.

9 (3) The State Police DUI Fund is created as a special
10 fund in the State Treasury.

11 (f) The analysis fee provided for in subsections (b) and
12 (c) of this Section shall be forwarded to the office of the
13 treasurer of the unit of local government that performed the
14 analysis if that unit of local government has established a
15 crime laboratory DUI fund, or to the State Treasurer for
16 deposit into the State Police DUI Fund if the analysis was
17 performed by a laboratory operated by the Department of State
18 Police. If the analysis was performed by a crime laboratory
19 funded by a combination of units of local government, the
20 analysis fee shall be forwarded to the treasurer of the county
21 where the crime laboratory is situated if a crime laboratory
22 DUI fund has been established in that county. If the unit of
23 local government or combination of units of local government
24 has not established a crime laboratory DUI fund, then the
25 analysis fee shall be forwarded to the State Treasurer for
26 deposit into the State Police DUI Fund. The clerk of the

1 circuit court may retain the amount of \$10 from each collected
2 analysis fee to offset administrative costs incurred in
3 carrying out the clerk's responsibilities under this Section.

4 (g) Fees deposited into a crime laboratory DUI fund created
5 under paragraphs (1) and (2) of subsection (e) of this Section
6 shall be in addition to any allocations made pursuant to
7 existing law and shall be designated for the exclusive use of
8 the crime laboratory. These uses may include, but are not
9 limited to, the following:

10 (1) Costs incurred in providing analysis for DUI
11 investigations conducted within this State.

12 (2) Purchase and maintenance of equipment for use in
13 performing analyses.

14 (3) Continuing education, training, and professional
15 development of forensic scientists regularly employed by
16 these laboratories.

17 (h) Fees deposited in the State Police DUI Fund created
18 under paragraph (3) of subsection (e) of this Section shall be
19 used by State crime laboratories as designated by the Director
20 of State Police. These funds shall be in addition to any
21 allocations made according to existing law and shall be
22 designated for the exclusive use of State crime laboratories.
23 These uses may include those enumerated in subsection (g) of
24 this Section.

25 (Source: P.A. 91-822, eff. 6-13-00.)

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

1

INDEX

2

Statutes amended in order of appearance

3 20 ILCS 2630/5 from Ch. 38, par. 206-5
4 625 ILCS 5/2-118.1 from Ch. 95 1/2, par. 2-118.1
5 625 ILCS 5/6-206
6 625 ILCS 5/6-208.1 from Ch. 95 1/2, par. 6-208.1
7 625 ILCS 5/11-500 from Ch. 95 1/2, par. 11-500
8 625 ILCS 5/11-501 from Ch. 95 1/2, par. 11-501
9 625 ILCS 5/11-501.01
10 625 ILCS 5/11-501.2 from Ch. 95 1/2, par. 11-501.2
11 625 ILCS 5/11-501.4 from Ch. 95 1/2, par. 11-501.4
12 625 ILCS 5/11-501.4-1
13 625 ILCS 5/11-501.6 from Ch. 95 1/2, par. 11-501.6
14 625 ILCS 5/11-508 new
15 625 ILCS 40/5-7
16 625 ILCS 40/5-7.7 new
17 625 ILCS 45/5-16
18 625 ILCS 45/5-16a from Ch. 95 1/2, par. 315-11a
19 625 ILCS 45/5-16a.1
20 625 ILCS 45/5-16c
21 625 ILCS 45/5-16d new
22 730 ILCS 5/5-4-1 from Ch. 38, par. 1005-4-1
23 730 ILCS 5/5-9-1.9