

1 AN ACT concerning vehicles.

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

4 Section 5. The State Finance Act is amended by adding  
5 Section 5.545 as follows:

6 (30 ILCS 105/5.545 new)

7 Sec. 5.545. The Secretary of State DUI Administration  
8 Fund.

9 Section 10. The Illinois Vehicle Code is amended by  
10 changing Sections 2-118, 3-402, 6-205, 6-206, 6-206.2, 6-208,  
11 and 11-501 as follows:

12 (625 ILCS 5/2-118) (from Ch. 95 1/2, par. 2-118)

13 Sec. 2-118. Hearings.

14 (a) Upon the suspension, revocation or denial of the  
15 issuance of a license, permit, registration or certificate of  
16 title under this Code of any person the Secretary of State  
17 shall immediately notify such person in writing and upon his  
18 written request shall, within 20 days after receipt thereof,  
19 set a date for a hearing to commence within 90 calendar days  
20 from the date of the written request for all requests related  
21 to a suspension, revocation, or the denial of the issuance of  
22 a license, permit, registration, or certificate of title  
23 occurring after July 1, 2002 and afford--him--an--opportunity  
24 for--a--hearing--as--early--as--practical, in the County of  
25 Sangamon, the County of Jefferson, or the County of Cook, as  
26 such person may specify, unless both parties agree that such  
27 hearing may be held in some other county. The Secretary may  
28 require the payment of a fee of not more than \$50 for the  
29 filing of any petition, motion, or request for hearing

1 conducted pursuant to this Section. These fees must be  
2 deposited into the Secretary of State DUI Administration  
3 Fund, a special fund created in the State treasury, and,  
4 subject to appropriation and as directed by the Secretary of  
5 State, shall be used for operation of the Department of  
6 Administrative Hearings of the Office of the Secretary of  
7 State and for no other purpose. The Secretary shall establish  
8 by rule the amount and the procedures, terms, and conditions  
9 relating to these fees.

10 (b) At any time after the suspension, revocation or  
11 denial of a license, permit, registration or certificate of  
12 title of any person as hereinbefore referred to, the  
13 Secretary of State, in his or her discretion and without the  
14 necessity of a request by such person, may hold such a  
15 hearing, upon not less than 10 days' notice in writing, in  
16 the Counties of Sangamon, Jefferson, or Cook or in any other  
17 county agreed to by the parties.

18 (c) Upon any such hearing, the Secretary of State, or  
19 his authorized agent may administer oaths and issue subpoenas  
20 for the attendance of witnesses and the production of  
21 relevant books and records and may require an examination of  
22 such person. Upon any such hearing, the Secretary of State  
23 shall either rescind or, good cause appearing therefor,  
24 continue, change or extend the Order of Revocation or  
25 Suspension, or upon petition therefore and subject to the  
26 provisions of this Code, issue a restricted driving permit or  
27 reinstate the license or permit of such person.

28 (d) All hearings and hearing procedures shall comply  
29 with requirements of the Constitution, so that no person is  
30 deprived of due process of law nor denied equal protection of  
31 the laws. All hearings shall be held before the Secretary of  
32 State or before such persons as may be designated by the  
33 Secretary of State and appropriate records of such hearings  
34 shall be kept. Where a transcript of the hearing is taken,

1 the person requesting the hearing shall have the opportunity  
 2 to order a copy thereof at his own expense. The Secretary of  
 3 State shall enter an order upon any hearing conducted under  
 4 this Section, related to a suspension, revocation, or the  
 5 denial of the issuance of a license, permit, registration, or  
 6 certificate of title occurring after July 1, 2002, within 90  
 7 days of its conclusion and shall immediately notify the  
 8 person in writing of his or her action.

9 (e) The action of the Secretary of State in suspending,  
 10 revoking or denying any license, permit, registration, or  
 11 certificate of title shall be subject to judicial review in  
 12 the Circuit Court of Sangamon County, in the Circuit Court of  
 13 Jefferson County, or in the Circuit Court of Cook County, and  
 14 the provisions of the Administrative Review Law, and all  
 15 amendments and modifications thereto, and the rules adopted  
 16 pursuant thereto, are hereby adopted and shall apply to and  
 17 govern every action for the judicial review of final acts or  
 18 decisions of the Secretary of State hereunder.

19 (Source: P.A. 91-823, eff. 1-1-01.)

20 (625 ILCS 5/3-402) (from Ch. 95 1/2, par. 3-402)

21 Sec. 3-402. Vehicles subject to registration;  
 22 exceptions.

23 A. Exemptions and Policy. Every motor vehicle, trailer,  
 24 semitrailer and pole trailer when driven or moved upon a  
 25 highway shall be subject to the registration and certificate  
 26 of title provisions of this Chapter except:

27 (1) Any such vehicle driven or moved upon a highway  
 28 in conformance with the provisions of this Chapter  
 29 relating to manufacturers, transporters, dealers,  
 30 lienholders or nonresidents or under a temporary  
 31 registration permit issued by the Secretary of State;

32 (2) Any implement of husbandry whether of a type  
 33 otherwise subject to registration hereunder or not which

1 is only incidentally operated or moved upon a highway,  
2 which shall include a not-for-hire movement for the  
3 purpose of delivering farm commodities to a place of  
4 first processing or sale, or to a place of storage;

5 (3) Any special mobile equipment as herein defined;

6 (4) Any vehicle which is propelled exclusively by  
7 electric power obtained from overhead trolley wires  
8 though not operated upon rails;

9 (5) Any vehicle which is equipped and used  
10 exclusively as a pumper, ladder truck, rescue vehicle,  
11 searchlight truck, or other fire apparatus, but not a  
12 vehicle of a type which would otherwise be subject to  
13 registration as a vehicle of the first division;

14 (6) Any vehicle which is owned and operated by the  
15 federal government and externally displays evidence of  
16 federal ownership. It is the policy of the State of  
17 Illinois to promote and encourage the fullest use of its  
18 highways and to enhance the flow of commerce thus  
19 contributing to the economic, agricultural, industrial  
20 and social growth and development of this State, by  
21 authorizing the Secretary of State to negotiate and enter  
22 into reciprocal or proportional agreements or  
23 arrangements with other States, or to issue declarations  
24 setting forth reciprocal exemptions, benefits and  
25 privileges with respect to vehicles operated interstate  
26 which are properly registered in this and other States,  
27 assuring nevertheless proper registration of vehicles in  
28 Illinois as may be required by this Code;

29 (7) Any converter dolly or tow dolly which merely  
30 serves as substitute wheels for another legally licensed  
31 vehicle. A title may be issued on a voluntary basis to a  
32 tow dolly upon receipt of the manufacturer's certificate  
33 of origin or the bill of sale;

34 (8) Any house trailer found to be an abandoned

1 mobile home under the Abandoned Mobile Home Act;

2 (9) Any vehicle that is not properly registered or  
3 does not have registration plates issued to the owner or  
4 operator affixed thereto, or that does have registration  
5 plates issued to the owner or operator affixed thereto  
6 but the plates are not appropriate for the weight of the  
7 vehicle, provided that this exemption shall apply only  
8 while the vehicle is being transported or operated by a  
9 towing service and has a third tow plate affixed to it.

10 B. Reciprocity. Any motor vehicle, trailer, semitrailer  
11 or pole trailer need not be registered under this Code  
12 provided the same is operated interstate and in accordance  
13 with the following provisions and any rules and regulations  
14 promulgated pursuant thereto:

15 (1) A nonresident owner, except as otherwise  
16 provided in this Section, owning any foreign registered  
17 vehicle of a type otherwise subject to registration  
18 hereunder, may operate or permit the operation of such  
19 vehicle within this State in interstate commerce without  
20 registering such vehicle in, or paying any fees to, this  
21 State subject to the condition that such vehicle at all  
22 times when operated in this State is operated pursuant to  
23 a reciprocity agreement, arrangement or declaration by  
24 this State, and further subject to the condition that  
25 such vehicle at all times when operated in this State is  
26 duly registered in, and displays upon it, a valid  
27 registration card and registration plate or plates issued  
28 for such vehicle in the place of residence of such owner  
29 and is issued and maintains in such vehicle a valid  
30 Illinois reciprocity permit as required by the Secretary  
31 of State, and provided like privileges are afforded to  
32 residents of this State by the State of residence of such  
33 owner.

34 Every nonresident including any foreign corporation

1 carrying on business within this State and owning and  
2 regularly operating in such business any motor vehicle,  
3 trailer or semitrailer within this State in intrastate  
4 commerce, shall be required to register each such vehicle  
5 and pay the same fees therefor as is required with  
6 reference to like vehicles owned by residents of this  
7 State.

8 (2) Any motor vehicle, trailer, semitrailer and  
9 pole trailer operated interstate need not be registered  
10 in this State, provided:

11 (a) same is properly registered in another  
12 State pursuant to law or to a reciprocity agreement,  
13 arrangement or declaration; or

14 (b) that such vehicle is part of a fleet of  
15 vehicles owned or operated by the same person who  
16 registers such fleet of vehicles pro rata among the  
17 various States in which such fleet operates; or

18 (c) that such vehicle is part of a fleet of  
19 vehicles, a portion of which are registered with the  
20 Secretary of State of Illinois in accordance with an  
21 agreement or arrangement concurred in by the  
22 Secretary of State of Illinois based on one or more  
23 of the following factors: ratio of miles in Illinois  
24 as against total miles in all jurisdictions; situs  
25 or base of a vehicle, or where it is principally  
26 garaged, or from whence it is principally dispatched  
27 or where the movements of such vehicle usually  
28 originate; situs of the residence of the owner or  
29 operator thereof, or of his principal office or  
30 offices, or of his places of business; the routes  
31 traversed and whether regular or irregular routes  
32 are traversed, and the jurisdictions traversed and  
33 served; and such other factors as may be deemed  
34 material by the Secretary and the motor vehicle

1 administrators of the other jurisdictions involved  
2 in such apportionment; and

3 (d) that such vehicles shall maintain therein  
4 any reciprocity permit which may be required by the  
5 Secretary of State pursuant to rules and regulations  
6 which the Secretary of State may promulgate in the  
7 administration of this Code, in the public interest.

8 (3) (a) In order to effectuate the purposes of this  
9 Code, the Secretary of State of Illinois is  
10 empowered to negotiate and execute written  
11 reciprocal agreements or arrangements with the duly  
12 authorized representatives of other jurisdictions,  
13 including States, districts, territories and  
14 possessions of the United States, and foreign  
15 states, provinces, or countries, granting to owners  
16 or operators of vehicles duly registered or licensed  
17 in such other jurisdictions and for which evidence  
18 of compliance is supplied, benefits, privileges and  
19 exemption from the payment, wholly or partially, of  
20 any taxes, fees or other charges imposed with  
21 respect to the ownership or operation of such  
22 vehicles by the laws of this State except the tax  
23 imposed by the Motor Fuel Tax Law, approved March  
24 25, 1929, as amended, and the tax imposed by the Use  
25 Tax Act, approved July 14, 1955, as amended.

26 The Secretary of State may negotiate agreements  
27 or arrangements as are in the best interests of this  
28 State and the residents of this State pursuant to  
29 the policies expressed in this Section taking into  
30 consideration the reciprocal exemptions, benefits  
31 and privileges available and accruing to residents  
32 of this State and vehicles registered in this State.

33 (b) Such reciprocal agreements or arrangements  
34 shall provide that vehicles duly registered or

1 licensed in this State when operated upon the  
2 highways of such other jurisdictions, shall receive  
3 exemptions, benefits and privileges of a similar  
4 kind or to a similar degree as extended to vehicles  
5 from such jurisdictions in this State.

6 (c) Such agreements or arrangements may also  
7 authorize the apportionment of registration or  
8 licensing of fleets of vehicles operated interstate,  
9 based on any or all of the following factors: ratio  
10 of miles in Illinois as against total miles in all  
11 jurisdictions; situs or base of a vehicle, or where  
12 it is principally garaged or from whence it is  
13 principally dispatched or where the movements of  
14 such vehicle usually originate; situs of the  
15 residence of the owner or operator thereof, or of  
16 his principal office or offices, or of his places of  
17 business; the routes traversed and whether regular  
18 or irregular routes are traversed, and the  
19 jurisdictions traversed and served; and such other  
20 factors as may be deemed material by the Secretary  
21 and the motor vehicle administrators of the other  
22 jurisdictions involved in such apportionment, and  
23 such vehicles shall likewise be entitled to  
24 reciprocal exemptions, benefits and privileges.

25 (d) Such agreements or arrangements shall also  
26 provide that vehicles being operated in intrastate  
27 commerce in Illinois shall comply with the  
28 registration and licensing laws of this State,  
29 except that vehicles which are part of an  
30 apportioned fleet may conduct an intrastate  
31 operation incidental to their interstate operations.  
32 Any motor vehicle properly registered and qualified  
33 under any reciprocal agreement or arrangement under  
34 this Code and not having a situs or base within

1 Illinois may complete the inbound movement of a  
2 trailer or semitrailer to an Illinois destination  
3 that was brought into Illinois by a motor vehicle  
4 also properly registered and qualified under this  
5 Code and not having a situs or base within Illinois,  
6 or may complete an outbound movement of a trailer or  
7 semitrailer to an out-of-state destination that was  
8 originated in Illinois by a motor vehicle also  
9 properly registered and qualified under this Code  
10 and not having a situs or base in Illinois, only if  
11 the operator thereof did not break bulk of the cargo  
12 laden in such inbound or outbound trailer or  
13 semitrailer. Adding or unloading intrastate cargo on  
14 such inbound or outbound trailer or semitrailer  
15 shall be deemed as breaking bulk.

16 (e) Such agreements or arrangements may also  
17 provide for the determination of the proper State in  
18 which leased vehicles shall be registered based on  
19 the factors set out in subsection (c) above and for  
20 apportionment of registration of fleets of leased  
21 vehicles by the lessee or by the lessor who leases  
22 such vehicles to persons who are not fleet  
23 operators.

24 (f) Such agreements or arrangements may also  
25 include reciprocal exemptions, benefits or  
26 privileges accruing under The Illinois Driver  
27 Licensing Law or The Driver License Compact.

28 (4) The Secretary of State is further authorized to  
29 examine the laws and requirements of other jurisdictions,  
30 and, in the absence of a written agreement or  
31 arrangement, to issue a written declaration of the extent  
32 and nature of the exemptions, benefits and privileges  
33 accorded to vehicles of this State by such other  
34 jurisdictions, and the extent and nature of reciprocal

1 exemptions, benefits and privileges thereby accorded by  
2 this State to the vehicles of such other jurisdictions.  
3 A declaration by the Secretary of State may include any,  
4 part or all reciprocal exemptions, benefits and  
5 privileges or provisions as may be included within an  
6 agreement or arrangement.

7 (5) All agreements, arrangements, declarations and  
8 amendments thereto, shall be in writing and become  
9 effective when signed by the Secretary of State, and  
10 copies of all such documents shall be available to the  
11 public upon request.

12 (6) The Secretary of State is further authorized to  
13 require the display by foreign registered trucks,  
14 truck-tractors and buses, entitled to reciprocal  
15 benefits, exemptions or privileges hereunder, a  
16 reciprocity permit for external display before any such  
17 reciprocal benefits, exemptions or privileges are  
18 granted. The Secretary of State shall provide suitable  
19 application forms for such permit and shall promulgate  
20 and publish reasonable rules and regulations for the  
21 administration and enforcement of the provisions of this  
22 Code including a provision for revocation of such permit  
23 as to any vehicle operated wilfully in violation of the  
24 terms of any reciprocal agreement, arrangement or  
25 declaration or in violation of the Illinois Motor Carrier  
26 of Property Law, as amended.

27 (7) (a) Upon the suspension, revocation or denial  
28 of one or more of all reciprocal benefits,  
29 privileges and exemptions existing pursuant to the  
30 terms and provisions of this Code or by virtue of a  
31 reciprocal agreement or arrangement or declaration  
32 thereunder; or, upon the suspension, revocation or  
33 denial of a reciprocity permit; or, upon any action  
34 or inaction of the Secretary in the administration

1           and enforcement of the provisions of this Code, any  
2           person, resident or nonresident, so aggrieved, may  
3           serve upon the Secretary, a petition in writing and  
4           under oath, setting forth the grievance of the  
5           petitioner, the grounds and basis for the relief  
6           sought, and all necessary facts and particulars, and  
7           request an administrative hearing thereon. Within  
8           20 days, the Secretary shall set a hearing date as  
9           early as practical. The Secretary may, in his  
10          discretion, supply forms for such a petition. The  
11          Secretary may require the payment of a fee of not  
12          more than \$50 for the filing of any petition,  
13          motion, or request for hearing conducted pursuant to  
14          this Section. These fees must be deposited into the  
15          Secretary of State DUI Administration Fund, a  
16          special fund that is hereby created in the State  
17          treasury, and, subject to appropriation and as  
18          directed by the Secretary of State, shall be used to  
19          fund the operation of the hearings department of the  
20          Office of the Secretary of State and for no other  
21          purpose. The Secretary shall establish by rule the  
22          amount and the procedures, terms, and conditions  
23          relating to these fees.

24                 (b) The Secretary may likewise, in his  
25                 discretion and upon his own petition, order a  
26                 hearing, when in his best judgment, any person is  
27                 not entitled to the reciprocal benefits, privileges  
28                 and exemptions existing pursuant to the terms and  
29                 provisions of this Code or under a reciprocal  
30                 agreement or arrangement or declaration thereunder  
31                 or that a vehicle owned or operated by such person  
32                 is improperly registered or licensed, or that an  
33                 Illinois resident has improperly registered or  
34                 licensed a vehicle in another jurisdiction for the

1 purposes of violating or avoiding the registration  
2 laws of this State.

3 (c) The Secretary shall notify a petitioner or  
4 any other person involved of such a hearing, by  
5 giving at least 10 days notice, in writing, by U.S.  
6 Mail, Registered or Certified, or by personal  
7 service, at the last known address of such  
8 petitioner or person, specifying the time and place  
9 of such hearing. Such hearing shall be held before  
10 the Secretary, or any person as he may designate,  
11 and unless the parties mutually agree to some other  
12 county in Illinois, the hearing shall be held in the  
13 County of Sangamon or the County of Cook.  
14 Appropriate records of the hearing shall be kept,  
15 and the Secretary shall issue or cause to be issued,  
16 his decision on the case, within 30 days after the  
17 close of such hearing or within 30 days after  
18 receipt of the transcript thereof, and a copy shall  
19 likewise be served or mailed to the petitioner or  
20 person involved.

21 (d) The actions or inactions or  
22 determinations, or findings and decisions upon an  
23 administrative hearing, of the Secretary, shall be  
24 subject to judicial review in the Circuit Court of  
25 the County of Sangamon or the County of Cook, and  
26 the provisions of the Administrative Review Law, and  
27 all amendments and modifications thereof and rules  
28 adopted pursuant thereto, apply to and govern all  
29 such reviewable matters.

30 Any reciprocal agreements or arrangements  
31 entered into by the Secretary of State or any  
32 declarations issued by the Secretary of State  
33 pursuant to any law in effect prior to the effective  
34 date of this Code are not hereby abrogated, and such

1 shall continue in force and effect until amended  
2 pursuant to the provisions of this Code or expire  
3 pursuant to the terms or provisions thereof.

4 (Source: P.A. 89-433, eff. 12-15-95; 90-89, eff. 1-1-98.)

5 (625 ILCS 5/6-205) (from Ch. 95 1/2, par. 6-205)

6 Sec. 6-205. Mandatory revocation of license or permit;  
7 Hardship cases.

8 (a) Except as provided in this Section, the Secretary of  
9 State shall immediately revoke the license or permit of any  
10 driver upon receiving a report of the driver's conviction of  
11 any of the following offenses:

12 1. Reckless homicide resulting from the operation  
13 of a motor vehicle;

14 2. Violation of Section 11-501 of this Code or a  
15 similar provision of a local ordinance relating to the  
16 offense of operating or being in physical control of a  
17 vehicle while under the influence of alcohol, other drug  
18 or drugs, intoxicating compound or compounds, or any  
19 combination thereof;

20 3. Any felony under the laws of any State or the  
21 federal government in the commission of which a motor  
22 vehicle was used;

23 4. Violation of Section 11-401 of this Code  
24 relating to the offense of leaving the scene of a traffic  
25 accident involving death or personal injury;

26 5. Perjury or the making of a false affidavit or  
27 statement under oath to the Secretary of State under this  
28 Code or under any other law relating to the ownership or  
29 operation of motor vehicles;

30 6. Conviction upon 3 charges of violation of  
31 Section 11-503 of this Code relating to the offense of  
32 reckless driving committed within a period of 12 months;

33 7. Conviction of the offense of automobile theft as

1 defined in Section 4-102 of this Code;

2 8. Violation of Section 11-504 of this Code  
3 relating to the offense of drag racing;

4 9. Violation of Chapters 8 and 9 of this Code;

5 10. Violation of Section 12-5 of the Criminal Code  
6 of 1961 arising from the use of a motor vehicle;

7 11. Violation of Section 11-204.1 of this Code  
8 relating to aggravated fleeing or attempting to elude a  
9 police officer;

10 12. Violation of paragraph (1) of subsection (b) of  
11 Section 6-507, or a similar law of any other state,  
12 relating to the unlawful operation of a commercial motor  
13 vehicle;

14 13. Violation of paragraph (a) of Section 11-502 of  
15 this Code or a similar provision of a local ordinance if  
16 the driver has been previously convicted of a violation  
17 of that Section or a similar provision of a local  
18 ordinance and the driver was less than 21 years of age at  
19 the time of the offense.

20 (b) The Secretary of State shall also immediately revoke  
21 the license or permit of any driver in the following  
22 situations:

23 1. Of any minor upon receiving the notice provided  
24 for in Section 5-901 of the Juvenile Court Act of 1987  
25 that the minor has been adjudicated under that Act as  
26 having committed an offense relating to motor vehicles  
27 prescribed in Section 4-103 of this Code;

28 2. Of any person when any other law of this State  
29 requires either the revocation or suspension of a license  
30 or permit.

31 (c) Whenever a person is convicted of any of the  
32 offenses enumerated in this Section, the court may recommend  
33 and the Secretary of State in his discretion, without regard  
34 to whether the recommendation is made by the court may, upon

1 application, issue to the person a restricted driving permit  
2 granting the privilege of driving a motor vehicle between the  
3 petitioner's residence and petitioner's place of employment  
4 or within the scope of the petitioner's employment related  
5 duties, or to allow transportation for the petitioner or a  
6 household member of the petitioner's family for the receipt  
7 of necessary medical care or, if the professional evaluation  
8 indicates, provide transportation for the petitioner for  
9 alcohol remedial or rehabilitative activity, or for the  
10 petitioner to attend classes, as a student, in an accredited  
11 educational institution; if the petitioner is able to  
12 demonstrate that no alternative means of transportation is  
13 reasonably available and the petitioner will not endanger the  
14 public safety or welfare; provided that the Secretary's  
15 discretion shall be limited to cases where undue hardship  
16 would result from a failure to issue the restricted driving  
17 permit.

18 If a person's license or permit has been revoked or  
19 suspended 2 or more times due to 2 or more convictions within  
20 a 10 year period for Section 11-501 of this Code or similar  
21 provisions of local ordinances or similar out-of-state  
22 offenses, or 2 or more statutory summary suspensions under  
23 Section 11-501.1, or any combination of 2 offenses, or of an  
24 offense and a statutory summary suspension, arising out of  
25 separate occurrences, that person, if issued a restricted  
26 driving permit, may not operate a vehicle unless it has been  
27 equipped with an ignition interlock device as defined in  
28 Section 1-129.1. The person must pay to the Secretary of  
29 State DUI Administration Fund an amount not to exceed \$20 per  
30 month. The Secretary shall establish by rule the amount and  
31 the procedures, terms, and conditions relating to these fees.  
32 If the Restricted Driving Permit issued by the Office of  
33 Secretary of State was issued on the basis of hardship, due  
34 to that person's need to travel as a means of employment,

1 then this provision does not apply to an occupational vehicle  
2 owned or leased by that person's employer. In each case the  
3 Secretary of State may issue a restricted driving permit for  
4 a period he deems appropriate, except that the permit shall  
5 expire within one year from the date of issuance. The  
6 Secretary may not, however, issue a restricted driving permit  
7 to any person whose current revocation is the result of a  
8 second or subsequent conviction for a violation of Section  
9 11-501 of this Code or a similar provision of a local  
10 ordinance relating to the offense of operating or being in  
11 physical control of a motor vehicle while under the influence  
12 of alcohol, other drug or drugs, intoxicating compound or  
13 compounds, or any similar out-of-state offense, or any  
14 combination thereof, until the expiration of at least one  
15 year from the date of the revocation. A restricted driving  
16 permit issued under this Section shall be subject to  
17 cancellation, revocation, and suspension by the Secretary of  
18 State in like manner and for like cause as a driver's license  
19 issued under this Code may be cancelled, revoked, or  
20 suspended; except that a conviction upon one or more offenses  
21 against laws or ordinances regulating the movement of traffic  
22 shall be deemed sufficient cause for the revocation,  
23 suspension, or cancellation of a restricted driving permit.  
24 The Secretary of State may, as a condition to the issuance of  
25 a restricted driving permit, require the applicant to  
26 participate in a designated driver remedial or rehabilitative  
27 program. The Secretary of State is authorized to cancel a  
28 restricted driving permit if the permit holder does not  
29 successfully complete the program. However, if an  
30 individual's driving privileges have been revoked in  
31 accordance with paragraph 13 of subsection (a) of this  
32 Section, no restricted driving permit shall be issued until  
33 the individual has served 6 months of the revocation period.

34 (d) Whenever a person under the age of 21 is convicted

1 under Section 11-501 of this Code or a similar provision of a  
2 local ordinance, the Secretary of State shall revoke the  
3 driving privileges of that person. One year after the date  
4 of revocation, and upon application, the Secretary of State  
5 may, if satisfied that the person applying will not endanger  
6 the public safety or welfare, issue a restricted driving  
7 permit granting the privilege of driving a motor vehicle only  
8 between the hours of 5 a.m. and 9 p.m. or as otherwise  
9 provided by this Section for a period of one year. After  
10 this one year period, and upon reapplication for a license as  
11 provided in Section 6-106, upon payment of the appropriate  
12 reinstatement fee provided under paragraph (b) of Section  
13 6-118, the Secretary of State, in his discretion, may issue  
14 the applicant a license, or extend the restricted driving  
15 permit as many times as the Secretary of State deems  
16 appropriate, by additional periods of not more than 12 months  
17 each, until the applicant attains 21 years of age.

18 If a person's license or permit has been revoked or  
19 suspended 2 or more times, due to 2 or more convictions  
20 within a 10 year period for Section 11-501 of this Code or  
21 similar provisions of local ordinances or similar  
22 out-of-state offenses, or 2 or more statutory summary  
23 suspensions under Section 11-501.1, or any combination of 2  
24 offenses, or of an offense and a statutory summary  
25 suspension, arising out of separate occurrences, that person,  
26 if issued a restricted driving permit, may not operate a  
27 vehicle unless it has been equipped with an ignition  
28 interlock device as defined in Section 1-129.1. The person  
29 must pay to the Secretary of State DUI Administration Fund an  
30 amount not to exceed \$20 per month. The Secretary shall  
31 establish by rule the amount and the procedures, terms, and  
32 conditions relating to these fees. If the Restricted Driving  
33 Permit issued by the Office of Secretary of State was issued  
34 on the basis of hardship, due to that person's need to travel

1 as a means of employment, then this provision does not apply  
 2 to an occupational vehicle owned or leased by that person's  
 3 employer. A restricted driving permit issued under this  
 4 Section shall be subject to cancellation, revocation, and  
 5 suspension by the Secretary of State in like manner and for  
 6 like cause as a driver's license issued under this Code may  
 7 be cancelled, revoked, or suspended; except that a conviction  
 8 upon one or more offenses against laws or ordinances  
 9 regulating the movement of traffic shall be deemed sufficient  
 10 cause for the revocation, suspension, or cancellation of a  
 11 restricted driving permit. ~~Any person under 21 years of age~~  
 12 ~~who has a driver's license revoked for a second or subsequent~~  
 13 ~~conviction for driving under the influence, prior to the age~~  
 14 ~~of 21, shall not be eligible to submit an application for a~~  
 15 ~~full reinstatement of driving privileges or a restricted~~  
 16 ~~driving permit until age 21 or one additional year from the~~  
 17 ~~date of the latest such revocation, whichever is the longer.~~  
 18 The revocation periods contained in this subparagraph shall  
 19 apply to similar out-of-state convictions.

20 (e) This Section is subject to the provisions of the  
 21 Driver License Compact.

22 (f) Any revocation imposed upon any person under  
 23 subsections 2 and 3 of paragraph (b) that is in effect on  
 24 December 31, 1988 shall be converted to a suspension for a  
 25 like period of time.

26 (g) The Secretary of State shall not issue a restricted  
 27 driving permit to a person under the age of 16 years whose  
 28 driving privileges have been revoked under any provisions of  
 29 this Code.

30 (h) The Secretary of State may use ignition interlock  
 31 device requirements when granting driving relief to  
 32 individuals who have been arrested for a second or subsequent  
 33 offense under Section 11-501 of this Code or a similar  
 34 provision of a local ordinance. The Secretary shall

1 establish by rule and regulation the procedures for use of  
2 the interlock system.

3 (Source: P.A. 90-369, eff. 1-1-98; 90-590, eff. 1-1-99;  
4 90-611, eff. 1-1-99; 90-779, eff. 1-1-99; 91-357, eff.  
5 7-29-99.)

6 (625 ILCS 5/6-206) (from Ch. 95 1/2, par. 6-206)

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

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

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

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

21 3. Has been repeatedly involved as a driver in  
22 motor vehicle collisions or has been repeatedly convicted  
23 of offenses against laws and ordinances regulating the  
24 movement of traffic, to a degree that indicates lack of  
25 ability to exercise ordinary and reasonable care in the  
26 safe operation of a motor vehicle or disrespect for the  
27 traffic laws and the safety of other persons upon the  
28 highway;

29 4. Has by the unlawful operation of a motor vehicle  
30 caused or contributed to an accident resulting in death  
31 or injury requiring immediate professional treatment in a  
32 medical facility or doctor's office to any person, except  
33 that any suspension or revocation imposed by the

1 Secretary of State under the provisions of this  
2 subsection shall start no later than 6 months after being  
3 convicted of violating a law or ordinance regulating the  
4 movement of traffic, which violation is related to the  
5 accident, or shall start not more than one year after the  
6 date of the accident, whichever date occurs later;

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

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

13 7. Has refused or failed to submit to an  
14 examination provided for by Section 6-207 or has failed  
15 to pass the examination;

16 8. Is ineligible for a driver's license or permit  
17 under the provisions of Section 6-103;

18 9. Has made a false statement or knowingly  
19 concealed a material fact or has used false information  
20 or identification in any application for a license,  
21 identification card, or permit;

22 10. Has possessed, displayed, or attempted to  
23 fraudulently use any license, identification card, or  
24 permit not issued to the person;

25 11. Has operated a motor vehicle upon a highway of  
26 this State when the person's driving privilege or  
27 privilege to obtain a driver's license or permit was  
28 revoked or suspended unless the operation was authorized  
29 by a judicial driving permit, probationary license to  
30 drive, or a restricted driving permit issued under this  
31 Code;

32 12. Has submitted to any portion of the application  
33 process for another person or has obtained the services  
34 of another person to submit to any portion of the

1 application process for the purpose of obtaining a  
2 license, identification card, or permit for some other  
3 person;

4 13. Has operated a motor vehicle upon a highway of  
5 this State when the person's driver's license or permit  
6 was invalid under the provisions of Sections 6-107.1 and  
7 6-110;

8 14. Has committed a violation of Section 6-301,  
9 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or  
10 14B of the Illinois Identification Card Act;

11 15. Has been convicted of violating Section 21-2 of  
12 the Criminal Code of 1961 relating to criminal trespass  
13 to vehicles in which case, the suspension shall be for  
14 one year;

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

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

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

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

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

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

33 22. Has used a motor vehicle in violating paragraph  
34 (3), (4), (7), or (9) of subsection (a) of Section 24-1

1 of the Criminal Code of 1961 relating to unlawful use of  
2 weapons, in which case the suspension shall be for one  
3 year;

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

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

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

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

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

23 28. Has been convicted of the illegal possession,  
24 while operating or in actual physical control, as a  
25 driver, of a motor vehicle, of any controlled substance  
26 prohibited under the Illinois Controlled Substances Act  
27 or any cannabis prohibited under the provisions of the  
28 Cannabis Control Act, in which case the person's driving  
29 privileges shall be suspended for one year, and any  
30 driver who is convicted of a second or subsequent  
31 offense, within 5 years of a previous conviction, for the  
32 illegal possession, while operating or in actual physical  
33 control, as a driver, of a motor vehicle, of any  
34 controlled substance prohibited under the provisions of

1 the Illinois Controlled Substances Act or any cannabis  
2 prohibited under the Cannabis Control Act shall be  
3 suspended for 5 years. Any defendant found guilty of this  
4 offense while operating a motor vehicle, shall have an  
5 entry made in the court record by the presiding judge  
6 that this offense did occur while the defendant was  
7 operating a motor vehicle and order the clerk of the  
8 court to report the violation to the Secretary of State;

9 29. Has been convicted of the following offenses  
10 that were committed while the person was operating or in  
11 actual physical control, as a driver, of a motor vehicle:  
12 criminal sexual assault, predatory criminal sexual  
13 assault of a child, aggravated criminal sexual assault,  
14 criminal sexual abuse, aggravated criminal sexual abuse,  
15 juvenile pimping, soliciting for a juvenile prostitute  
16 and the manufacture, sale or delivery of controlled  
17 substances or instruments used for illegal drug use or  
18 abuse in which case the driver's driving privileges shall  
19 be suspended for one year;

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

24 31. Has refused to submit to a test as required by  
25 Section 11-501.6 or has submitted to a test resulting in  
26 an alcohol concentration of 0.08 or more or any amount of  
27 a drug, substance, or compound resulting from the  
28 unlawful use or consumption of cannabis as listed in the  
29 Cannabis Control Act or a controlled substance as listed  
30 in the Illinois Controlled Substances Act in which case  
31 the penalty shall be as prescribed in Section 6-208.1;

32 32. Has been convicted of Section 24-1.2 of the  
33 Criminal Code of 1961 relating to the aggravated  
34 discharge of a firearm if the offender was located in a

1 motor vehicle at the time the firearm was discharged, in  
2 which case the suspension shall be for 3 years;

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

7 34. Has committed a violation of Section 11-1301.5  
8 of this Code;

9 35. Has committed a violation of Section 11-1301.6  
10 of this Code; or

11 36. Is under the age of 21 years at the time of  
12 arrest and has been convicted of not less than 2  
13 offenses against traffic regulations governing the  
14 movement of vehicles committed within any 24 month  
15 period. No revocation or suspension shall be entered  
16 more than 6 months after the date of last conviction.

17 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,  
18 and 27 of this subsection, license means any driver's  
19 license, any traffic ticket issued when the person's driver's  
20 license is deposited in lieu of bail, a suspension notice  
21 issued by the Secretary of State, a duplicate or corrected  
22 driver's license, a probationary driver's license or a  
23 temporary driver's license.

24 (b) If any conviction forming the basis of a suspension  
25 or revocation authorized under this Section is appealed, the  
26 Secretary of State may rescind or withhold the entry of the  
27 order of suspension or revocation, as the case may be,  
28 provided that a certified copy of a stay order of a court is  
29 filed with the Secretary of State. If the conviction is  
30 affirmed on appeal, the date of the conviction shall relate  
31 back to the time the original judgment of conviction was  
32 entered and the 6 month limitation prescribed shall not  
33 apply.

34 (c) 1. Upon suspending or revoking the driver's license

1 or permit of any person as authorized in this Section,  
2 the Secretary of State shall immediately notify the  
3 person in writing of the revocation or suspension. The  
4 notice to be deposited in the United States mail, postage  
5 prepaid, to the last known address of the person.

6 2. If the Secretary of State suspends the driver's  
7 license of a person under subsection 2 of paragraph (a)  
8 of this Section, a person's privilege to operate a  
9 vehicle as an occupation shall not be suspended, provided  
10 an affidavit is properly completed, the appropriate fee  
11 received, and a permit issued prior to the effective date  
12 of the suspension, unless 5 offenses were committed, at  
13 least 2 of which occurred while operating a commercial  
14 vehicle in connection with the driver's regular  
15 occupation. All other driving privileges shall be  
16 suspended by the Secretary of State. Any driver prior to  
17 operating a vehicle for occupational purposes only must  
18 submit the affidavit on forms to be provided by the  
19 Secretary of State setting forth the facts of the  
20 person's occupation. The affidavit shall also state the  
21 number of offenses committed while operating a vehicle in  
22 connection with the driver's regular occupation. The  
23 affidavit shall be accompanied by the driver's license.  
24 Upon receipt of a properly completed affidavit, the  
25 Secretary of State shall issue the driver a permit to  
26 operate a vehicle in connection with the driver's regular  
27 occupation only. Unless the permit is issued by the  
28 Secretary of State prior to the date of suspension, the  
29 privilege to drive any motor vehicle shall be suspended  
30 as set forth in the notice that was mailed under this  
31 Section. If an affidavit is received subsequent to the  
32 effective date of this suspension, a permit may be issued  
33 for the remainder of the suspension period.

34 The provisions of this subparagraph shall not apply

1 to any driver required to obtain a commercial driver's  
2 license under Section 6-507 during the period of a  
3 disqualification of commercial driving privileges under  
4 Section 6-514.

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

10 3. At the conclusion of a hearing under Section  
11 2-118 of this Code, the Secretary of State shall either  
12 rescind or continue an order of revocation or shall  
13 substitute an order of suspension; or, good cause  
14 appearing therefor, rescind, continue, change, or extend  
15 the order of suspension. If the Secretary of State does  
16 not rescind the order, the Secretary may upon  
17 application, to relieve undue hardship, issue a  
18 restricted driving permit granting the privilege of  
19 driving a motor vehicle between the petitioner's  
20 residence and petitioner's place of employment or within  
21 the scope of his employment related duties, or to allow  
22 transportation for the petitioner, or a household member  
23 of the petitioner's family, to receive necessary medical  
24 care and if the professional evaluation indicates,  
25 provide transportation for alcohol remedial or  
26 rehabilitative activity, or for the petitioner to attend  
27 classes, as a student, in an accredited educational  
28 institution; if the petitioner is able to demonstrate  
29 that no alternative means of transportation is reasonably  
30 available and the petitioner will not endanger the public  
31 safety or welfare.

32 If a person's license or permit has been revoked or  
33 suspended 2 or more times due to 2 or more convictions  
34 within a 10 year period for Section 11-501 of this Code

1 or similar provisions of local ordinances or similar  
2 out-of-state offenses, or 2 or more statutory summary  
3 suspensions under Section 11-501.1, or any combination of  
4 2 offenses, or of an offense and a statutory summary  
5 suspension, arising out of separate occurrences, that  
6 person, if issued a restricted driving permit, may not  
7 operate a vehicle unless it has been equipped with an  
8 ignition interlock device as defined in Section 1-129.1.  
9 The person must pay to the Secretary of State DUI  
10 Administration Fund an amount not to exceed \$20 per  
11 month. The Secretary shall establish by rule the amount  
12 and the procedures, terms, and conditions relating to  
13 these fees. If the Restricted Driving Permit issued by  
14 the Office of Secretary of State was issued on the basis  
15 of hardship, due to that person's need to travel as a  
16 means of employment, then this provision does not apply  
17 to an occupational vehicle owned or leased by that  
18 person's employer. In each case the Secretary may issue a  
19 restricted driving permit for a period deemed  
20 appropriate, except that all permits shall expire within  
21 one year from the date of issuance. The Secretary may  
22 not, however, issue a restricted driving permit to any  
23 person whose current revocation is the result of a second  
24 or subsequent conviction for a violation of Section  
25 11-501 of this Code or a similar provision of a local  
26 ordinance relating to the offense of operating or being  
27 in physical control of a motor vehicle while under the  
28 influence of alcohol, other drug or drugs, intoxicating  
29 compound or compounds, or any similar out-of-state  
30 offense, or any combination of those offenses, until the  
31 expiration of at least one year from the date of the  
32 revocation. A restricted driving permit issued under this  
33 Section shall be subject to cancellation, revocation, and  
34 suspension by the Secretary of State in like manner and

1 for like cause as a driver's license issued under this  
2 Code may be cancelled, revoked, or suspended; except that  
3 a conviction upon one or more offenses against laws or  
4 ordinances regulating the movement of traffic shall be  
5 deemed sufficient cause for the revocation, suspension,  
6 or cancellation of a restricted driving permit. The  
7 Secretary of State may, as a condition to the issuance of  
8 a restricted driving permit, require the applicant to  
9 participate in a designated driver remedial or  
10 rehabilitative program. The Secretary of State is  
11 authorized to cancel a restricted driving permit if the  
12 permit holder does not successfully complete the program.

13 (c-5) The Secretary of State may, as a condition of the  
14 reissuance of a driver's license or permit to an applicant  
15 under the age of 18 years whose driver's license or permit  
16 has been suspended pursuant to any of the provisions of this  
17 Section, require the applicant to participate in a driver  
18 remedial education course and be retested under Section 6-109  
19 of this Code.

20 (d) This Section is subject to the provisions of the  
21 Drivers License Compact.

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

26 (Source: P.A. 89-283, eff. 1-1-96; 89-428, eff. 12-13-95;  
27 89-462, eff. 5-29-96; 90-43, eff. 7-2-97; 90-106, eff.  
28 1-1-98; 90-369, eff. 1-1-98; 90-655, eff. 7-30-98.)

29 (625 ILCS 5/6-206.2)

30 Sec. 6-206.2. Violations relating to an ignition  
31 interlock device.

32 (a) It is unlawful for any person whose driving  
33 privilege is restricted by being prohibited from operating a

1 motor vehicle not equipped with an ignition interlock device  
2 to request or solicit any other person to blow into an  
3 ignition interlock device or to start a motor vehicle  
4 equipped with the device for the purpose of providing the  
5 person so restricted with an operable motor vehicle.

6 (b) It is unlawful to blow into an ignition interlock  
7 device or to start a motor vehicle equipped with the device  
8 for the purpose of providing an operable motor vehicle to a  
9 person whose driving privilege is restricted by being  
10 prohibited from operating a motor vehicle not equipped with  
11 an ignition interlock device.

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

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

25 A person convicted of a violation of this subsection  
26 shall be punished by imprisonment for not more than 6 months  
27 or by a fine of not more than \$5,000, or both.

28 (e) If a person prohibited under paragraph (2) or  
29 paragraph (3) of subsection (c-4) of Section 11-501 from  
30 driving any vehicle not equipped with an ignition interlock  
31 device nevertheless is convicted of driving a vehicle that is  
32 not equipped with the device, that person is prohibited from  
33 driving any vehicle not equipped with an ignition interlock  
34 device for an additional period of time equal to the initial

1 time period that the person was required to use an ignition  
2 interlock device.

3 (Source: P.A. 91-127, eff. 1-1-00.)

4 (625 ILCS 5/6-208) (from Ch. 95 1/2, par. 6-208)

5 Sec. 6-208. Period of Suspension - Application After  
6 Revocation.

7 (a) Except as otherwise provided by this Code or any  
8 other law of this State, the Secretary of State shall not  
9 suspend a driver's license, permit or privilege to drive a  
10 motor vehicle on the highways for a period of more than one  
11 year.

12 (b) Any person whose license, permit or privilege to  
13 drive a motor vehicle on the highways has been revoked shall  
14 not be entitled to have such license, permit or privilege  
15 renewed or restored. However, such person may, except as  
16 provided under subsection (d) of Section 6-205, make  
17 application for a license pursuant to Section 6-106 (i) if  
18 the revocation was for a cause which has been removed or (ii)  
19 as provided in the following subparagraphs:

20 1. Except as provided in subparagraphs 2, 3, and 4,  
21 the person may make application for a license after the  
22 expiration of one year from the effective date of the  
23 revocation or, in the case of a violation of paragraph  
24 (b) of Section 11-401 of this Code or a similar provision  
25 of a local ordinance, after the expiration of 3 years  
26 from the effective date of the revocation or, in the case  
27 of a violation of Section 9-3 of the Criminal Code of  
28 1961 relating to the offense of reckless homicide, after  
29 the expiration of 2 years from the effective date of the  
30 revocation.

31 2. If such person is convicted of committing a  
32 second violation within a 20 year period of:

33 (A) Section 11-501 of this Code, or a similar

1 provision of a local ordinance; or

2 (B) Paragraph (b) of Section 11-401 of this  
3 Code, or a similar provision of a local ordinance;  
4 or

5 (C) Section 9-3 of the Criminal Code of 1961,  
6 as amended, relating to the offense of reckless  
7 homicide; or

8 (D) any combination of the above offenses  
9 committed at different instances;

10 then such person may not make application for a license  
11 until after the expiration of 5 years from the effective  
12 date of the most recent revocation. The 20 year period  
13 shall be computed by using the dates the offenses were  
14 committed and shall also include similar out-of-state  
15 offenses.

16 3. However, except as provided in subparagraph 4,  
17 if such person is convicted of committing a third, or  
18 subsequent, violation or any combination of the above  
19 offenses, including similar out-of-state offenses,  
20 contained in subparagraph 2, then such person may not  
21 make application for a license until after the expiration  
22 of 10 years from the effective date of the most recent  
23 revocation.

24 4. The person may not make application for a  
25 license if the person is convicted of committing a fourth  
26 or subsequent violation of Section 11-501 of this Code or  
27 a similar provision of a local ordinance, paragraph (b)  
28 of Section 11-401 of this Code, Section 9-3 of the  
29 Criminal Code of 1961, or a combination of these offenses  
30 or similar provisions of local ordinances or similar  
31 out-of-state offenses ~~if--the--original--revocation--or~~  
32 ~~suspension--was--for--a--violation--of--Section-11-501-or~~  
33 ~~11-501.1-of-this-Code-or-a-similar-provision-of--a--local~~  
34 ~~ordinance.~~

1           Notwithstanding any other provision of this Code, all  
 2 persons referred to in this paragraph (b) may not have their  
 3 privileges restored until the Secretary receives payment of  
 4 the required reinstatement fee pursuant to subsection (b) of  
 5 Section 6-118.

6           In no event shall the Secretary issue such license unless  
 7 and until such person has had a hearing pursuant to this Code  
 8 and the appropriate administrative rules and the Secretary is  
 9 satisfied, after a review or investigation of such person,  
 10 that to grant the privilege of driving a motor vehicle on the  
 11 highways will not endanger the public safety or welfare.

12           (c) If a person prohibited under paragraph (2) or  
 13 paragraph (3) of subsection (c-4) of Section 11-501 from  
 14 driving any vehicle not equipped with an ignition interlock  
 15 device nevertheless is convicted of driving a vehicle that is  
 16 not equipped with the device, that person is prohibited from  
 17 driving any vehicle not equipped with an ignition interlock  
 18 device for an additional period of time equal to the initial  
 19 time period that the person was required to use an ignition  
 20 interlock device.

21 (Source: P.A. 90-543, eff. 12-1-97; 90-738, eff. 1-1-99;  
 22 91-357, eff. 7-29-99.)

23           (625 ILCS 5/11-501) (from Ch. 95 1/2, par. 11-501)  
 24           Sec. 11-501. Driving while under the influence of  
 25 alcohol, other drug or drugs, intoxicating compound or  
 26 compounds or any combination thereof.

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

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

32           (2) under the influence of alcohol;

33           (3) under the influence of any intoxicating

1 compound or combination of intoxicating compounds to a  
2 degree that renders the person incapable of driving  
3 safely;

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

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

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

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

23 (c) Except as provided under paragraphs (c-3), (c-4),  
24 and (d) of this Section, every person convicted of violating  
25 this Section or a similar provision of a local ordinance,  
26 shall be guilty of a Class A misdemeanor and, in addition to  
27 any other criminal or administrative action, for any second  
28 conviction of violating this Section or a similar provision  
29 of a law of another state or local ordinance committed within  
30 5 years of a previous violation of this Section or a similar  
31 provision of a local ordinance shall be mandatorily sentenced  
32 to a minimum of 48 consecutive hours of imprisonment or  
33 assigned to a minimum of 100 hours of community service as  
34 may be determined by the court. Every person convicted of

1 violating this Section or a similar provision of a local  
2 ordinance shall be subject to a mandatory minimum fine of  
3 \$500 and a mandatory 5 days of community service in a program  
4 benefiting children if the person committed a violation of  
5 paragraph (a) or a similar provision of a local ordinance  
6 while transporting a person under age 16. Every person  
7 convicted a second time for violating this Section or a  
8 similar provision of a local ordinance within 5 years of a  
9 previous violation of this Section or a similar provision of  
10 a law of another state or local ordinance shall be subject to  
11 a mandatory minimum fine of \$500 and 10 days of mandatory  
12 community service in a program benefiting children if the  
13 current offense was committed while transporting a person  
14 under age 16. The imprisonment or assignment under this  
15 subsection shall not be subject to suspension nor shall the  
16 person be eligible for probation in order to reduce the  
17 sentence or assignment.

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

24 (2) A person who violates this Section a third time  
25 during a period in which his or her driving privileges  
26 are revoked or suspended where the revocation or  
27 suspension was for a violation of this Section, Section  
28 11-501.1, paragraph (b) of Section 11-401, or Section 9-3  
29 of the Criminal Code of 1961 is guilty of a Class 3  
30 felony.

31 (3) A person who violates this Section a fourth or  
32 subsequent time during a period in which his or her  
33 driving privileges are revoked or suspended where the  
34 revocation or suspension was for a violation of this

1 Section, Section 11-501.1, paragraph (b) of Section  
2 11-401, or Section 9-3 of the Criminal Code of 1961 is  
3 guilty of a Class 2 felony.

4 (c-2) (Blank).

5 (c-3) Every person convicted of violating this Section  
6 or a similar provision of a local ordinance who had a  
7 child under age 16 in the vehicle at the time of the  
8 offense shall have his or her punishment under this Act  
9 enhanced by 2 days of imprisonment for a first offense,  
10 10 days of imprisonment for a second offense, 30 days of  
11 imprisonment for a third offense, and 90 days of  
12 imprisonment for a fourth or subsequent offense, in  
13 addition to the fine and community service required under  
14 subsection (c) and the possible imprisonment required  
15 under subsection (d). The imprisonment or assignment  
16 under this subsection shall not be subject to suspension  
17 nor shall the person be eligible for probation in order  
18 to reduce the sentence or assignment.

19 (c-4) When a person is convicted of violating 11-501 of  
20 the Illinois Vehicle Code, the following penalties apply when  
21 his or her blood or breath was .16 or more based on the  
22 definition of blood or breath units in Section 11-501.2 or  
23 when that person is convicted of violating this Section while  
24 transporting a child under the age of 16:

25 (1) A person who violates subsection (a) of Section  
26 11-501 of the Illinois Vehicle Code a first time is  
27 subject to a mandatory minimum of 100 hours of community  
28 service and a minimum fine of \$500.

29 (2) A person who violates subsection (a) of Section  
30 11-501 of the Illinois Vehicle Code a second time within  
31 10 years, in addition to any other penalty that may be  
32 imposed, is subject to a mandatory minimum of 30 days of  
33 imprisonment or 300 hours of community service, as  
34 determined by the court, and a minimum fine of \$1,250,

1 and that person is prohibited from driving any vehicle  
 2 not equipped with an ignition interlock device for the  
 3 duration of the suspension or revocation. The ignition  
 4 interlock device must remain on the vehicle after full  
 5 reinstatement of driving privileges for a period of time  
 6 to be determined by the Secretary by rule.

7 (3) A person who violates subsection (a) of Section  
 8 11-501 of the Illinois Vehicle Code a third time within  
 9 20 years is guilty of a Class 4 felony and, in addition  
 10 to any other penalty that may be imposed, is subject to a  
 11 mandatory minimum of 90 days of imprisonment and a  
 12 minimum fine of \$2,500, and that person is prohibited  
 13 from driving any vehicle not equipped with an ignition  
 14 interlock device for the duration of the suspension or  
 15 revocation. The ignition interlock device must remain on  
 16 the vehicle after full reinstatement of driving  
 17 privileges for a period of time to be determined by the  
 18 Secretary by rule.

19 (4) A person who violates this subsection (c-4) a  
 20 fourth or subsequent time is guilty of a Class 2 felony  
 21 and, in addition to any other penalty that may be  
 22 imposed, is not eligible for a sentence of probation or  
 23 conditional discharge and is subject to a minimum fine of  
 24 \$2,500.

25 (d) (1) Every person convicted of committing a violation  
 26 of this Section shall be guilty of aggravated driving  
 27 under the influence of alcohol, other drug or drugs, or  
 28 intoxicating compound or compounds, or any combination  
 29 thereof if:

30 (A) the person committed a violation of this  
 31 Section, or a similar provision of a law of another  
 32 state or a local ordinance when the cause of action  
 33 is the same as or substantially similar to this  
 34 Section, for the third or subsequent time;

1           (B) the person committed a violation of  
2 paragraph (a) while driving a school bus with  
3 children on board;

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

10           (D) the person committed a violation of  
11 paragraph (a) for a second time and has been  
12 previously convicted of violating Section 9-3 of the  
13 Criminal Code of 1961 relating to reckless homicide  
14 in which the person was determined to have been  
15 under the influence of alcohol, other drug or drugs,  
16 or intoxicating compound or compounds as an element  
17 of the offense or the person has previously been  
18 convicted under subparagraph (C) of this paragraph  
19 (1).

20           (2) Aggravated driving under the influence of  
21 alcohol, other drug or drugs, or intoxicating compound or  
22 compounds, or any combination thereof is a Class 4 felony  
23 for which a person, if sentenced to a term of  
24 imprisonment, shall be sentenced to not less than one  
25 year and not more than 3 years for a violation of  
26 subparagraph (A), (B) or (D) of paragraph (1) of this  
27 subsection (d) and not less than one year and not more  
28 than 12 years for a violation of subparagraph (C) of  
29 paragraph (1) of this subsection (d). For any prosecution  
30 under this subsection (d), a certified copy of the  
31 driving abstract of the defendant shall be admitted as  
32 proof of any prior conviction.

33           (e) After a finding of guilt and prior to any final  
34 sentencing, or an order for supervision, for an offense based

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

10 (f) Every person found guilty of violating this Section,  
11 whose operation of a motor vehicle while in violation of this  
12 Section proximately caused any incident resulting in an  
13 appropriate emergency response, shall be liable for the  
14 expense of an emergency response as provided under Section  
15 5-5-3 of the Unified Code of Corrections.

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

19 (h) Every person sentenced under subsection (d) of this  
20 Section and who receives a term of probation or conditional  
21 discharge shall be required to serve a minimum term of either  
22 30 days community service or, beginning July 1, 1993, 48  
23 consecutive hours of imprisonment as a condition of the  
24 probation or conditional discharge. This mandatory minimum  
25 term of imprisonment or assignment of community service shall  
26 not be suspended and shall not be subject to reduction by the  
27 court.

28 (i) The Secretary of State may use ignition interlock  
29 device requirements when granting driving relief to  
30 individuals who have been arrested for a second or subsequent  
31 offense of this Section or a similar provision of a local  
32 ordinance. The Secretary shall establish by rule and  
33 regulation the procedures for use of the interlock system.

34 (j) In addition to any other penalties and liabilities,

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

19 (Source: P.A. 90-43, eff. 7-2-97; 90-400, eff. 8-15-97;  
20 90-611, eff. 1-1-99; 90-655, eff. 7-30-98; 90-738, eff.  
21 1-1-99; 90-779, eff. 1-1-99; 91-126, eff. 7-16-99; 91-357,  
22 eff. 7-29-99; 91-692, eff. 4-13-00; 91-822, eff. 6-13-00.)

23 Section 15. The Unified Code of Corrections is amended  
24 by changing Sections 5-5-3 and 5-6-3 as follows:

25 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

26 Sec. 5-5-3. Disposition.

27 (a) Every person convicted of an offense shall be  
28 sentenced as provided in this Section.

29 (b) The following options shall be appropriate  
30 dispositions, alone or in combination, for all felonies and  
31 misdemeanors other than those identified in subsection (c) of  
32 this Section:

- 1           (1) A period of probation.
  - 2           (2) A term of periodic imprisonment.
  - 3           (3) A term of conditional discharge.
  - 4           (4) A term of imprisonment.
  - 5           (5) An order directing the offender to clean up and  
6           repair the damage, if the offender was convicted under  
7           paragraph (h) of Section 21-1 of the Criminal Code of  
8           1961.
  - 9           (6) A fine.
  - 10          (7) An order directing the offender to make  
11          restitution to the victim under Section 5-5-6 of this  
12          Code.
  - 13          (8) A sentence of participation in a county impact  
14          incarceration program under Section 5-8-1.2 of this Code.
- 15          Whenever an individual is sentenced for an offense based  
16          upon an arrest for a violation of Section 11-501 of the  
17          Illinois Vehicle Code, or a similar provision of a local  
18          ordinance, and the professional evaluation recommends  
19          remedial or rehabilitative treatment or education, neither  
20          the treatment nor the education shall be the sole disposition  
21          and either or both may be imposed only in conjunction with  
22          another disposition. The court shall monitor compliance with  
23          any remedial education or treatment recommendations contained  
24          in the professional evaluation. Programs conducting alcohol  
25          or other drug evaluation or remedial education must be  
26          licensed by the Department of Human Services. However, if  
27          the individual is not a resident of Illinois, the court may  
28          accept an alcohol or other drug evaluation or remedial  
29          education program in the state of such individual's  
30          residence. Programs providing treatment must be licensed  
31          under existing applicable alcoholism and drug treatment  
32          licensure standards.

33          In addition to any other fine or penalty required by law,  
34          any individual convicted of a violation of Section 11-501 of

1 the Illinois Vehicle Code or a similar provision of local  
2 ordinance, whose operation of a motor vehicle while in  
3 violation of Section 11-501 or such ordinance proximately  
4 caused an incident resulting in an appropriate emergency  
5 response, shall be required to make restitution to a public  
6 agency for the costs of that emergency response. Such  
7 restitution shall not exceed \$500 per public agency for each  
8 such emergency response. For the purpose of this paragraph,  
9 emergency response shall mean any incident requiring a  
10 response by: a police officer as defined under Section 1-162  
11 of the Illinois Vehicle Code; a fireman carried on the rolls  
12 of a regularly constituted fire department; and an ambulance  
13 as defined under Section 4.05 of the Emergency Medical  
14 Services (EMS) Systems Act.

15 Neither a fine nor restitution shall be the sole  
16 disposition for a felony and either or both may be imposed  
17 only in conjunction with another disposition.

18 (c) (1) When a defendant is found guilty of first degree  
19 murder the State may either seek a sentence of  
20 imprisonment under Section 5-8-1 of this Code, or where  
21 appropriate seek a sentence of death under Section 9-1 of  
22 the Criminal Code of 1961.

23 (2) A period of probation, a term of periodic  
24 imprisonment or conditional discharge shall not be  
25 imposed for the following offenses. The court shall  
26 sentence the offender to not less than the minimum term  
27 of imprisonment set forth in this Code for the following  
28 offenses, and may order a fine or restitution or both in  
29 conjunction with such term of imprisonment:

30 (A) First degree murder where the death  
31 penalty is not imposed.

32 (B) Attempted first degree murder.

33 (C) A Class X felony.

34 (D) A violation of Section 401.1 or 407 of the

1 Illinois Controlled Substances Act, or a violation  
2 of subdivision (c)(2) of Section 401 of that Act  
3 which relates to more than 5 grams of a substance  
4 containing cocaine or an analog thereof.

5 (E) A violation of Section 5.1 or 9 of the  
6 Cannabis Control Act.

7 (F) A Class 2 or greater felony if the  
8 offender had been convicted of a Class 2 or greater  
9 felony within 10 years of the date on which the  
10 offender committed the offense for which he or she  
11 is being sentenced, except as otherwise provided in  
12 Section 40-10 of the Alcoholism and Other Drug Abuse  
13 and Dependency Act.

14 (G) Residential burglary, except as otherwise  
15 provided in Section 40-10 of the Alcoholism and  
16 Other Drug Abuse and Dependency Act.

17 (H) Criminal sexual assault, except as  
18 otherwise provided in subsection (e) of this  
19 Section.

20 (I) Aggravated battery of a senior citizen.

21 (J) A forcible felony if the offense was  
22 related to the activities of an organized gang.

23 Before July 1, 1994, for the purposes of this  
24 paragraph, "organized gang" means an association of  
25 5 or more persons, with an established hierarchy,  
26 that encourages members of the association to  
27 perpetrate crimes or provides support to the members  
28 of the association who do commit crimes.

29 Beginning July 1, 1994, for the purposes of  
30 this paragraph, "organized gang" has the meaning  
31 ascribed to it in Section 10 of the Illinois  
32 Streetgang Terrorism Omnibus Prevention Act.

33 (K) Vehicular hijacking.

34 (L) A second or subsequent conviction for the

1 offense of hate crime when the underlying offense  
2 upon which the hate crime is based is felony  
3 aggravated assault or felony mob action.

4 (M) A second or subsequent conviction for the  
5 offense of institutional vandalism if the damage to  
6 the property exceeds \$300.

7 (N) A Class 3 felony violation of paragraph  
8 (1) of subsection (a) of Section 2 of the Firearm  
9 Owners Identification Card Act.

10 (O) A violation of Section 12-6.1 of the  
11 Criminal Code of 1961.

12 (P) A violation of paragraph (1), (2), (3),  
13 (4), (5), or (7) of subsection (a) of Section  
14 11-20.1 of the Criminal Code of 1961.

15 (Q) A violation of Section 20-1.2 of the  
16 Criminal Code of 1961.

17 (R) A violation of Section 24-3A of the  
18 Criminal Code of 1961.

19 (3) A minimum term of imprisonment of not less than  
20 48 consecutive hours or 100 hours of community service as  
21 may be determined by the court shall be imposed for a  
22 second or subsequent violation committed within 5 years  
23 of a previous violation of Section 11-501 of the Illinois  
24 Vehicle Code or a similar provision of a local ordinance.

25 (4) A minimum term of imprisonment of not less than  
26 7 consecutive days or 30 days of community service shall  
27 be imposed for a violation of paragraph (c) of Section  
28 6-303 of the Illinois Vehicle Code.

29 (4.1) A minimum term of 30 consecutive days of  
30 imprisonment, 40 days of 24 hour periodic imprisonment or  
31 720 hours of community service, as may be determined by  
32 the court, shall be imposed for a violation of Section  
33 11-501 of the Illinois Vehicle Code during a period in  
34 which the defendant's driving privileges are revoked or

1 suspended, where the revocation or suspension was for a  
2 violation of Section 11-501 or Section 11-501.1 of that  
3 Code.

4 (5) The court may sentence an offender convicted of  
5 a business offense or a petty offense or a corporation or  
6 unincorporated association convicted of any offense to:

7 (A) a period of conditional discharge;

8 (B) a fine;

9 (C) make restitution to the victim under  
10 Section 5-5-6 of this Code.

11 (6) In no case shall an offender be eligible for a  
12 disposition of probation or conditional discharge for a  
13 Class 1 felony committed while he was serving a term of  
14 probation or conditional discharge for a felony.

15 (7) When a defendant is adjudged a habitual  
16 criminal under Article 33B of the Criminal Code of 1961,  
17 the court shall sentence the defendant to a term of  
18 natural life imprisonment.

19 (8) When a defendant, over the age of 21 years, is  
20 convicted of a Class 1 or Class 2 felony, after having  
21 twice been convicted of any Class 2 or greater Class  
22 felonies in Illinois, and such charges are separately  
23 brought and tried and arise out of different series of  
24 acts, such defendant shall be sentenced as a Class X  
25 offender. This paragraph shall not apply unless (1) the  
26 first felony was committed after the effective date of  
27 this amendatory Act of 1977; and (2) the second felony  
28 was committed after conviction on the first; and (3) the  
29 third felony was committed after conviction on the  
30 second.

31 (9) A defendant convicted of a second or subsequent  
32 offense of ritualized abuse of a child may be sentenced  
33 to a term of natural life imprisonment.

34 (10) When a person is convicted of violating

1        Section 11-501 of the Illinois Vehicle Code, the  
 2        following penalties apply when his or her blood or breath  
 3        was .16 or more based on the definition of blood or  
 4        breath units in Section 11-501.2 or that person is  
 5        convicted of violating Section 11-501 of the Illinois  
 6        Vehicle Code while transporting a child under the age of  
 7        16:

8                (A) For a first violation of subsection (a) of  
 9                Section 11-501: a mandatory minimum of 100 hours of  
 10               community service and a minimum fine of \$500.

11               (B) For a second violation of subsection (a)  
 12               of Section 11-501 within 10 years: a mandatory  
 13               minimum of 30 days of imprisonment or 300 hours of  
 14               community service, as determined by the court, and a  
 15               minimum fine of \$1,250.

16               (C) For a third violation of subsection (a) of  
 17               Section 11-501 within 20 years: a mandatory minimum  
 18               of 90 days of imprisonment and a minimum fine of  
 19               \$2,500.

20               (D) For a fourth or subsequent violation of  
 21               subsection (a) of Section 11-501: ineligibility for  
 22               a sentence of probation or conditional discharge and  
 23               a minimum fine of \$2,500.

24               (d) In any case in which a sentence originally imposed  
 25               is vacated, the case shall be remanded to the trial court.  
 26               The trial court shall hold a hearing under Section 5-4-1 of  
 27               the Unified Code of Corrections which may include evidence of  
 28               the defendant's life, moral character and occupation during  
 29               the time since the original sentence was passed. The trial  
 30               court shall then impose sentence upon the defendant. The  
 31               trial court may impose any sentence which could have been  
 32               imposed at the original trial subject to Section 5-5-4 of the  
 33               Unified Code of Corrections.

34               (e) In cases where prosecution for criminal sexual

1 assault or aggravated criminal sexual abuse under Section  
 2 12-13 or 12-16 of the Criminal Code of 1961 results in  
 3 conviction of a defendant who was a family member of the  
 4 victim at the time of the commission of the offense, the  
 5 court shall consider the safety and welfare of the victim and  
 6 may impose a sentence of probation only where:

7 (1) the court finds (A) or (B) or both are  
 8 appropriate:

9 (A) the defendant is willing to undergo a  
 10 court approved counseling program for a minimum  
 11 duration of 2 years; or

12 (B) the defendant is willing to participate in  
 13 a court approved plan including but not limited to  
 14 the defendant's:

15 (i) removal from the household;

16 (ii) restricted contact with the victim;

17 (iii) continued financial support of the  
 18 family;

19 (iv) restitution for harm done to the  
 20 victim; and

21 (v) compliance with any other measures  
 22 that the court may deem appropriate; and

23 (2) the court orders the defendant to pay for the  
 24 victim's counseling services, to the extent that the  
 25 court finds, after considering the defendant's income and  
 26 assets, that the defendant is financially capable of  
 27 paying for such services, if the victim was under 18  
 28 years of age at the time the offense was committed and  
 29 requires counseling as a result of the offense.

30 Probation may be revoked or modified pursuant to Section  
 31 5-6-4; except where the court determines at the hearing that  
 32 the defendant violated a condition of his or her probation  
 33 restricting contact with the victim or other family members  
 34 or commits another offense with the victim or other family

1 members, the court shall revoke the defendant's probation and  
2 impose a term of imprisonment.

3 For the purposes of this Section, "family member" and  
4 "victim" shall have the meanings ascribed to them in Section  
5 12-12 of the Criminal Code of 1961.

6 (f) This Article shall not deprive a court in other  
7 proceedings to order a forfeiture of property, to suspend or  
8 cancel a license, to remove a person from office, or to  
9 impose any other civil penalty.

10 (g) Whenever a defendant is convicted of an offense  
11 under Sections 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18,  
12 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1,  
13 12-15 or 12-16 of the Criminal Code of 1961, the defendant  
14 shall undergo medical testing to determine whether the  
15 defendant has any sexually transmissible disease, including a  
16 test for infection with human immunodeficiency virus (HIV) or  
17 any other identified causative agent of acquired  
18 immunodeficiency syndrome (AIDS). Any such medical test  
19 shall be performed only by appropriately licensed medical  
20 practitioners and may include an analysis of any bodily  
21 fluids as well as an examination of the defendant's person.  
22 Except as otherwise provided by law, the results of such test  
23 shall be kept strictly confidential by all medical personnel  
24 involved in the testing and must be personally delivered in a  
25 sealed envelope to the judge of the court in which the  
26 conviction was entered for the judge's inspection in camera.  
27 Acting in accordance with the best interests of the victim  
28 and the public, the judge shall have the discretion to  
29 determine to whom, if anyone, the results of the testing may  
30 be revealed. The court shall notify the defendant of the test  
31 results. The court shall also notify the victim if requested  
32 by the victim, and if the victim is under the age of 15 and  
33 if requested by the victim's parents or legal guardian, the  
34 court shall notify the victim's parents or legal guardian of

1 the test results. The court shall provide information on the  
2 availability of HIV testing and counseling at Department of  
3 Public Health facilities to all parties to whom the results  
4 of the testing are revealed and shall direct the State's  
5 Attorney to provide the information to the victim when  
6 possible. A State's Attorney may petition the court to obtain  
7 the results of any HIV test administered under this Section,  
8 and the court shall grant the disclosure if the State's  
9 Attorney shows it is relevant in order to prosecute a charge  
10 of criminal transmission of HIV under Section 12-16.2 of the  
11 Criminal Code of 1961 against the defendant. The court shall  
12 order that the cost of any such test shall be paid by the  
13 county and may be taxed as costs against the convicted  
14 defendant.

15 (g-5) When an inmate is tested for an airborne  
16 communicable disease, as determined by the Illinois  
17 Department of Public Health including but not limited to  
18 tuberculosis, the results of the test shall be personally  
19 delivered by the warden or his or her designee in a sealed  
20 envelope to the judge of the court in which the inmate must  
21 appear for the judge's inspection in camera if requested by  
22 the judge. Acting in accordance with the best interests of  
23 those in the courtroom, the judge shall have the discretion  
24 to determine what if any precautions need to be taken to  
25 prevent transmission of the disease in the courtroom.

26 (h) Whenever a defendant is convicted of an offense  
27 under Section 1 or 2 of the Hypodermic Syringes and Needles  
28 Act, the defendant shall undergo medical testing to determine  
29 whether the defendant has been exposed to human  
30 immunodeficiency virus (HIV) or any other identified  
31 causative agent of acquired immunodeficiency syndrome (AIDS).  
32 Except as otherwise provided by law, the results of such test  
33 shall be kept strictly confidential by all medical personnel  
34 involved in the testing and must be personally delivered in a

1 sealed envelope to the judge of the court in which the  
2 conviction was entered for the judge's inspection in camera.  
3 Acting in accordance with the best interests of the public,  
4 the judge shall have the discretion to determine to whom, if  
5 anyone, the results of the testing may be revealed. The court  
6 shall notify the defendant of a positive test showing an  
7 infection with the human immunodeficiency virus (HIV). The  
8 court shall provide information on the availability of HIV  
9 testing and counseling at Department of Public Health  
10 facilities to all parties to whom the results of the testing  
11 are revealed and shall direct the State's Attorney to provide  
12 the information to the victim when possible. A State's  
13 Attorney may petition the court to obtain the results of any  
14 HIV test administered under this Section, and the court  
15 shall grant the disclosure if the State's Attorney shows it  
16 is relevant in order to prosecute a charge of criminal  
17 transmission of HIV under Section 12-16.2 of the Criminal  
18 Code of 1961 against the defendant. The court shall order  
19 that the cost of any such test shall be paid by the county  
20 and may be taxed as costs against the convicted defendant.

21 (i) All fines and penalties imposed under this Section  
22 for any violation of Chapters 3, 4, 6, and 11 of the Illinois  
23 Vehicle Code, or a similar provision of a local ordinance,  
24 and any violation of the Child Passenger Protection Act, or a  
25 similar provision of a local ordinance, shall be collected  
26 and disbursed by the circuit clerk as provided under Section  
27 27.5 of the Clerks of Courts Act.

28 (j) In cases when prosecution for any violation of  
29 Section 11-6, 11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1,  
30 11-16, 11-17, 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1,  
31 11-19.2, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15, or  
32 12-16 of the Criminal Code of 1961, any violation of the  
33 Illinois Controlled Substances Act, or any violation of the  
34 Cannabis Control Act results in conviction, a disposition of

1 court supervision, or an order of probation granted under  
2 Section 10 of the Cannabis Control Act or Section 410 of the  
3 Illinois Controlled Substance Act of a defendant, the court  
4 shall determine whether the defendant is employed by a  
5 facility or center as defined under the Child Care Act of  
6 1969, a public or private elementary or secondary school, or  
7 otherwise works with children under 18 years of age on a  
8 daily basis. When a defendant is so employed, the court  
9 shall order the Clerk of the Court to send a copy of the  
10 judgment of conviction or order of supervision or probation  
11 to the defendant's employer by certified mail. If the  
12 employer of the defendant is a school, the Clerk of the Court  
13 shall direct the mailing of a copy of the judgment of  
14 conviction or order of supervision or probation to the  
15 appropriate regional superintendent of schools. The regional  
16 superintendent of schools shall notify the State Board of  
17 Education of any notification under this subsection.

18 (j-5) A defendant at least 17 years of age who is  
19 convicted of a felony and who has not been previously  
20 convicted of a misdemeanor or felony and who is sentenced to  
21 a term of imprisonment in the Illinois Department of  
22 Corrections shall as a condition of his or her sentence be  
23 required by the court to attend educational courses designed  
24 to prepare the defendant for a high school diploma and to  
25 work toward a high school diploma or to work toward passing  
26 the high school level Test of General Educational Development  
27 (GED) or to work toward completing a vocational training  
28 program offered by the Department of Corrections. If a  
29 defendant fails to complete the educational training required  
30 by his or her sentence during the term of incarceration, the  
31 Prisoner Review Board shall, as a condition of mandatory  
32 supervised release, require the defendant, at his or her own  
33 expense, to pursue a course of study toward a high school  
34 diploma or passage of the GED test. The Prisoner Review

1 Board shall revoke the mandatory supervised release of a  
2 defendant who wilfully fails to comply with this subsection  
3 (j-5) upon his or her release from confinement in a penal  
4 institution while serving a mandatory supervised release  
5 term; however, the inability of the defendant after making a  
6 good faith effort to obtain financial aid or pay for the  
7 educational training shall not be deemed a wilful failure to  
8 comply. The Prisoner Review Board shall recommit the  
9 defendant whose mandatory supervised release term has been  
10 revoked under this subsection (j-5) as provided in Section  
11 3-3-9. This subsection (j-5) does not apply to a defendant  
12 who has a high school diploma or has successfully passed the  
13 GED test. This subsection (j-5) does not apply to a defendant  
14 who is determined by the court to be developmentally disabled  
15 or otherwise mentally incapable of completing the educational  
16 or vocational program.

17 (k) A court may not impose a sentence or disposition for  
18 a felony or misdemeanor that requires the defendant to be  
19 implanted or injected with or to use any form of birth  
20 control.

21 (l) (A) Except as provided in paragraph (C) of  
22 subsection (l), whenever a defendant, who is an alien as  
23 defined by the Immigration and Nationality Act, is  
24 convicted of any felony or misdemeanor offense, the court  
25 after sentencing the defendant may, upon motion of the  
26 State's Attorney, hold sentence in abeyance and remand  
27 the defendant to the custody of the Attorney General of  
28 the United States or his or her designated agent to be  
29 deported when:

30 (1) a final order of deportation has been  
31 issued against the defendant pursuant to proceedings  
32 under the Immigration and Nationality Act, and

33 (2) the deportation of the defendant would not  
34 deprecate the seriousness of the defendant's conduct

1 and would not be inconsistent with the ends of  
2 justice.

3 Otherwise, the defendant shall be sentenced as  
4 provided in this Chapter V.

5 (B) If the defendant has already been sentenced for  
6 a felony or misdemeanor offense, or has been placed on  
7 probation under Section 10 of the Cannabis Control Act or  
8 Section 410 of the Illinois Controlled Substances Act,  
9 the court may, upon motion of the State's Attorney to  
10 suspend the sentence imposed, commit the defendant to the  
11 custody of the Attorney General of the United States or  
12 his or her designated agent when:

13 (1) a final order of deportation has been  
14 issued against the defendant pursuant to proceedings  
15 under the Immigration and Nationality Act, and

16 (2) the deportation of the defendant would not  
17 deprecate the seriousness of the defendant's conduct  
18 and would not be inconsistent with the ends of  
19 justice.

20 (C) This subsection (1) does not apply to offenders  
21 who are subject to the provisions of paragraph (2) of  
22 subsection (a) of Section 3-6-3.

23 (D) Upon motion of the State's Attorney, if a  
24 defendant sentenced under this Section returns to the  
25 jurisdiction of the United States, the defendant shall be  
26 recommitted to the custody of the county from which he or  
27 she was sentenced. Thereafter, the defendant shall be  
28 brought before the sentencing court, which may impose any  
29 sentence that was available under Section 5-5-3 at the  
30 time of initial sentencing. In addition, the defendant  
31 shall not be eligible for additional good conduct credit  
32 for meritorious service as provided under Section 3-6-6.

33 (m) A person convicted of criminal defacement of  
34 property under Section 21-1.3 of the Criminal Code of 1961,

1 in which the property damage exceeds \$300 and the property  
2 damaged is a school building, shall be ordered to perform  
3 community service that may include cleanup, removal, or  
4 painting over the defacement.

5 (Source: P.A. 90-14, eff. 7-1-97; 90-68, eff. 7-8-97; 90-680,  
6 eff. 1-1-99; 90-685, eff. 1-1-99; 90-787, eff. 8-14-98;  
7 91-357, eff. 7-29-99; 91-404, eff. 1-1-00; 91-663, eff.  
8 12-22-99; 91-695, eff. 4-13-00.)

9 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

10 Sec. 5-6-3. Conditions of Probation and of Conditional  
11 Discharge.

12 (a) The conditions of probation and of conditional  
13 discharge shall be that the person:

14 (1) not violate any criminal statute of any  
15 jurisdiction;

16 (2) report to or appear in person before such  
17 person or agency as directed by the court;

18 (3) refrain from possessing a firearm or other  
19 dangerous weapon;

20 (4) not leave the State without the consent of the  
21 court or, in circumstances in which the reason for the  
22 absence is of such an emergency nature that prior consent  
23 by the court is not possible, without the prior  
24 notification and approval of the person's probation  
25 officer;

26 (5) permit the probation officer to visit him at  
27 his home or elsewhere to the extent necessary to  
28 discharge his duties;

29 (6) perform no less than 30 hours of community  
30 service and not more than 120 hours of community service,  
31 if community service is available in the jurisdiction and  
32 is funded and approved by the county board where the  
33 offense was committed, where the offense was related to

1 or in furtherance of the criminal activities of an  
2 organized gang and was motivated by the offender's  
3 membership in or allegiance to an organized gang. The  
4 community service shall include, but not be limited to,  
5 the cleanup and repair of any damage caused by a  
6 violation of Section 21-1.3 of the Criminal Code of 1961  
7 and similar damage to property located within the  
8 municipality or county in which the violation occurred.  
9 When possible and reasonable, the community service  
10 should be performed in the offender's neighborhood. For  
11 purposes of this Section, "organized gang" has the  
12 meaning ascribed to it in Section 10 of the Illinois  
13 Streetgang Terrorism Omnibus Prevention Act;

14 (7) if he or she is at least 17 years of age and  
15 has been sentenced to probation or conditional discharge  
16 for a misdemeanor or felony in a county of 3,000,000 or  
17 more inhabitants and has not been previously convicted of  
18 a misdemeanor or felony, may be required by the  
19 sentencing court to attend educational courses designed  
20 to prepare the defendant for a high school diploma and to  
21 work toward a high school diploma or to work toward  
22 passing the high school level Test of General Educational  
23 Development (GED) or to work toward completing a  
24 vocational training program approved by the court. The  
25 person on probation or conditional discharge must attend  
26 a public institution of education to obtain the  
27 educational or vocational training required by this  
28 clause (7). The court shall revoke the probation or  
29 conditional discharge of a person who wilfully fails to  
30 comply with this clause (7). The person on probation or  
31 conditional discharge shall be required to pay for the  
32 cost of the educational courses or GED test, if a fee is  
33 charged for those courses or test. The court shall  
34 resentence the offender whose probation or conditional

1 discharge has been revoked as provided in Section 5-6-4.  
 2 This clause (7) does not apply to a person who has a high  
 3 school diploma or has successfully passed the GED test.  
 4 This clause (7) does not apply to a person who is  
 5 determined by the court to be developmentally disabled or  
 6 otherwise mentally incapable of completing the  
 7 educational or vocational program; and

8 (8) if convicted of possession of a substance  
 9 prohibited by the Cannabis Control Act or Illinois  
 10 Controlled Substances Act after a previous conviction or  
 11 disposition of supervision for possession of a substance  
 12 prohibited by the Cannabis Control Act or Illinois  
 13 Controlled Substances Act or after a sentence of  
 14 probation under Section 10 of the Cannabis Control Act or  
 15 Section 410 of the Illinois Controlled Substances Act and  
 16 upon a finding by the court that the person is addicted,  
 17 undergo treatment at a substance abuse program approved  
 18 by the court.

19 (b) The Court may in addition to other reasonable  
 20 conditions relating to the nature of the offense or the  
 21 rehabilitation of the defendant as determined for each  
 22 defendant in the proper discretion of the Court require that  
 23 the person:

24 (1) serve a term of periodic imprisonment under  
 25 Article 7 for a period not to exceed that specified in  
 26 paragraph (d) of Section 5-7-1;

27 (2) pay a fine and costs;

28 (3) work or pursue a course of study or vocational  
 29 training;

30 (4) undergo medical, psychological or psychiatric  
 31 treatment; or treatment for drug addiction or alcoholism;

32 (5) attend or reside in a facility established for  
 33 the instruction or residence of defendants on probation;

34 (6) support his dependents;

- 1           (7) and in addition, if a minor:
- 2           (i) reside with his parents or in a foster
- 3           home;
- 4           (ii) attend school;
- 5           (iii) attend a non-residential program for
- 6           youth;
- 7           (iv) contribute to his own support at home or
- 8           in a foster home;
- 9           (8) make restitution as provided in Section 5-5-6
- 10          of this Code;
- 11          (9) perform some reasonable public or community
- 12          service;
- 13          (10) serve a term of home confinement. In addition
- 14          to any other applicable condition of probation or
- 15          conditional discharge, the conditions of home confinement
- 16          shall be that the offender:
- 17               (i) remain within the interior premises of the
- 18               place designated for his confinement during the
- 19               hours designated by the court;
- 20               (ii) admit any person or agent designated by
- 21               the court into the offender's place of confinement
- 22               at any time for purposes of verifying the offender's
- 23               compliance with the conditions of his confinement;
- 24               and
- 25               (iii) if further deemed necessary by the court
- 26               or the Probation or Court Services Department, be
- 27               placed on an approved electronic monitoring device,
- 28               subject to Article 8A of Chapter V;
- 29               (iv) for persons convicted of any alcohol,
- 30               cannabis or controlled substance violation who are
- 31               placed on an approved monitoring device as a
- 32               condition of probation or conditional discharge, the
- 33               court shall impose a reasonable fee for each day of
- 34               the use of the device, as established by the county

1 board in subsection (g) of this Section, unless  
 2 after determining the inability of the offender to  
 3 pay the fee, the court assesses a lesser fee or no  
 4 fee as the case may be. This fee shall be imposed in  
 5 addition to the fees imposed under subsections (g)  
 6 and (i) of this Section. The fee shall be collected  
 7 by the clerk of the circuit court. The clerk of the  
 8 circuit court shall pay all monies collected from  
 9 this fee to the county treasurer for deposit in the  
 10 substance abuse services fund under Section 5-1086.1  
 11 of the Counties Code; and

12 (v) for persons convicted of offenses other  
 13 than those referenced in clause (iv) above and who  
 14 are placed on an approved monitoring device as a  
 15 condition of probation or conditional discharge, the  
 16 court shall impose a reasonable fee for each day of  
 17 the use of the device, as established by the county  
 18 board in subsection (g) of this Section, unless  
 19 after determining the inability of the defendant to  
 20 pay the fee, the court assesses a lesser fee or no  
 21 fee as the case may be. This fee shall be imposed  
 22 in addition to the fees imposed under subsections  
 23 (g) and (i) of this Section. The fee shall be  
 24 collected by the clerk of the circuit court. The  
 25 clerk of the circuit court shall pay all monies  
 26 collected from this fee to the county treasurer who  
 27 shall use the monies collected to defray the costs  
 28 of corrections. The county treasurer shall deposit  
 29 the fee collected in the county working cash fund  
 30 under Section 6-27001 or Section 6-29002 of the  
 31 Counties Code, as the case may be.

32 (11) comply with the terms and conditions of an  
 33 order of protection issued by the court pursuant to the  
 34 Illinois Domestic Violence Act of 1986, as now or

1 hereafter amended, or an order of protection issued by  
2 the court of another state, tribe, or United States  
3 territory. A copy of the order of protection shall be  
4 transmitted to the probation officer or agency having  
5 responsibility for the case;

6 (12) reimburse any "local anti-crime program" as  
7 defined in Section 7 of the Anti-Crime Advisory Council  
8 Act for any reasonable expenses incurred by the program  
9 on the offender's case, not to exceed the maximum amount  
10 of the fine authorized for the offense for which the  
11 defendant was sentenced;

12 (13) contribute a reasonable sum of money, not to  
13 exceed the maximum amount of the fine authorized for the  
14 offense for which the defendant was sentenced, to a  
15 "local anti-crime program", as defined in Section 7 of  
16 the Anti-Crime Advisory Council Act;

17 (14) refrain from entering into a designated  
18 geographic area except upon such terms as the court finds  
19 appropriate. Such terms may include consideration of the  
20 purpose of the entry, the time of day, other persons  
21 accompanying the defendant, and advance approval by a  
22 probation officer, if the defendant has been placed on  
23 probation or advance approval by the court, if the  
24 defendant was placed on conditional discharge;

25 (15) refrain from having any contact, directly or  
26 indirectly, with certain specified persons or particular  
27 types of persons, including but not limited to members of  
28 street gangs and drug users or dealers;

29 (16) refrain from having in his or her body the  
30 presence of any illicit drug prohibited by the Cannabis  
31 Control Act or the Illinois Controlled Substances Act,  
32 unless prescribed by a physician, and submit samples of  
33 his or her blood or urine or both for tests to determine  
34 the presence of any illicit drug.

1           (c) The court may as a condition of probation or of  
2 conditional discharge require that a person under 18 years of  
3 age found guilty of any alcohol, cannabis or controlled  
4 substance violation, refrain from acquiring a driver's  
5 license during the period of probation or conditional  
6 discharge. If such person is in possession of a permit or  
7 license, the court may require that the minor refrain from  
8 driving or operating any motor vehicle during the period of  
9 probation or conditional discharge, except as may be  
10 necessary in the course of the minor's lawful employment.

11           (d) An offender sentenced to probation or to conditional  
12 discharge shall be given a certificate setting forth the  
13 conditions thereof.

14           (e) The court shall not require as a condition of the  
15 sentence of probation or conditional discharge that the  
16 offender be committed to a period of imprisonment in excess  
17 of 6 months. This 6 month limit shall not include periods of  
18 confinement given pursuant to a sentence of county impact  
19 incarceration under Section 5-8-1.2. This 6 month limit does  
20 not apply to a person sentenced to probation for a fourth or  
21 subsequent violation of subsection (c-4) of Section 11-501 of  
22 the Illinois Vehicle Code.

23           Persons committed to imprisonment as a condition of  
24 probation or conditional discharge shall not be committed to  
25 the Department of Corrections.

26           (f) The court may combine a sentence of periodic  
27 imprisonment under Article 7 or a sentence to a county impact  
28 incarceration program under Article 8 with a sentence of  
29 probation or conditional discharge.

30           (g) An offender sentenced to probation or to conditional  
31 discharge and who during the term of either undergoes  
32 mandatory drug or alcohol testing, or both, or is assigned to  
33 be placed on an approved electronic monitoring device, shall  
34 be ordered to pay all costs incidental to such mandatory drug

1 or alcohol testing, or both, and all costs incidental to such  
2 approved electronic monitoring in accordance with the  
3 defendant's ability to pay those costs. The county board  
4 with the concurrence of the Chief Judge of the judicial  
5 circuit in which the county is located shall establish  
6 reasonable fees for the cost of maintenance, testing, and  
7 incidental expenses related to the mandatory drug or alcohol  
8 testing, or both, and all costs incidental to approved  
9 electronic monitoring, involved in a successful probation  
10 program for the county. The concurrence of the Chief Judge  
11 shall be in the form of an administrative order. The fees  
12 shall be collected by the clerk of the circuit court. The  
13 clerk of the circuit court shall pay all moneys collected  
14 from these fees to the county treasurer who shall use the  
15 moneys collected to defray the costs of drug testing, alcohol  
16 testing, and electronic monitoring. The county treasurer  
17 shall deposit the fees collected in the county working cash  
18 fund under Section 6-27001 or Section 6-29002 of the Counties  
19 Code, as the case may be.

20 (h) Jurisdiction over an offender may be transferred  
21 from the sentencing court to the court of another circuit  
22 with the concurrence of both courts, or to another state  
23 under an Interstate Probation Reciprocal Agreement as  
24 provided in Section 3-3-11. Further transfers or retransfers  
25 of jurisdiction are also authorized in the same manner. The  
26 court to which jurisdiction has been transferred shall have  
27 the same powers as the sentencing court.

28 (i) The court shall impose upon an offender sentenced to  
29 probation after January 1, 1989 or to conditional discharge  
30 after January 1, 1992, as a condition of such probation or  
31 conditional discharge, a fee of \$25 for each month of  
32 probation or conditional discharge supervision ordered by the  
33 court, unless after determining the inability of the person  
34 sentenced to probation or conditional discharge to pay the

1 fee, the court assesses a lesser fee. The court may not  
2 impose the fee on a minor who is made a ward of the State  
3 under the Juvenile Court Act of 1987 while the minor is in  
4 placement. The fee shall be imposed only upon an offender who  
5 is actively supervised by the probation and court services  
6 department. The fee shall be collected by the clerk of the  
7 circuit court. The clerk of the circuit court shall pay all  
8 monies collected from this fee to the county treasurer for  
9 deposit in the probation and court services fund under  
10 Section 15.1 of the Probation and Probation Officers Act.

11 (j) All fines and costs imposed under this Section for  
12 any violation of Chapters 3, 4, 6, and 11 of the Illinois  
13 Vehicle Code, or a similar provision of a local ordinance,  
14 and any violation of the Child Passenger Protection Act, or a  
15 similar provision of a local ordinance, shall be collected  
16 and disbursed by the circuit clerk as provided under Section  
17 27.5 of the Clerks of Courts Act.

18 (Source: P.A. 90-14, eff. 7-1-97; 90-399, eff. 1-1-98;  
19 90-504, eff. 1-1-98; 90-655, eff. 7-30-98; 91-325, eff.  
20 7-29-99; 91-696, eff. 4-13-00; 91-903, eff. 1-1-01.)

21 Section 99. Effective date. This Act takes effect upon  
22 becoming law.