

1 AMENDMENT TO SENATE BILL 1730

2 AMENDMENT NO. _____. Amend Senate Bill 1730 as follows:

3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Illinois Vehicle Code is amended by
6 changing Section 6-303 as follows:

7 (625 ILCS 5/6-303) (from Ch. 95 1/2, par. 6-303)

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

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

21 (b) The Secretary of State upon receiving a report of

1 the conviction of any violation indicating a person was
2 operating a motor vehicle during the time when said person's
3 driver's license, permit or privilege was suspended by the
4 Secretary, by the appropriate authority of another state, or
5 pursuant to Section 11-501.1; except as may be specifically
6 allowed by a probationary license to drive, judicial driving
7 permit or restricted driving permit issued pursuant to this
8 Code or the law of another state; shall extend the suspension
9 for the same period of time as the originally imposed
10 suspension; however, if the period of suspension has then
11 expired, the Secretary shall be authorized to suspend said
12 person's driving privileges for the same period of time as
13 the originally imposed suspension; and if the conviction was
14 upon a charge which indicated that a vehicle was operated
15 during the time when the person's driver's license, permit or
16 privilege was revoked; except as may be allowed by a
17 restricted driving permit issued pursuant to this Code or the
18 law of another state; the Secretary shall not issue a
19 driver's license for an additional period of one year from
20 the date of such conviction indicating such person was
21 operating a vehicle during such period of revocation.

22 (c) Any person convicted of violating this Section shall
23 serve a minimum term of imprisonment of 10 consecutive days
24 or 30 days of community service when the person's driving
25 privilege was revoked or suspended as a result of:

26 (1) a violation of Section 11-501 of this Code or a
27 similar provision of a local ordinance relating to the
28 offense of operating or being in physical control of a
29 vehicle while under the influence of alcohol, any other
30 drug or any combination thereof; or

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

1 (3) a violation of Section 9-3 of the Criminal Code
2 of 1961, as amended, relating to the offense of reckless
3 homicide; or

4 (4) a statutory summary suspension under Section
5 11-501.1 of this Code.

6 Such sentence of imprisonment or community service shall
7 not be subject to suspension in order to reduce such
8 sentence.

9 (c-1) Except as provided in subsection (d), any person
10 convicted of a second violation of this Section shall be
11 ordered by the court to serve a minimum of 100 hours of
12 community service.

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

16 (1) Seizure of the license plates of the person's
17 vehicle.

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

20 (d) Any person convicted of a second violation of this
21 Section shall be guilty of a Class 4 felony and shall serve a
22 minimum term of imprisonment of 30 days or 300 hours of
23 community service, as determined by the court, if the
24 revocation or suspension was for a violation of Section
25 11-401 or 11-501 of this Code, or a similar out-of-state
26 offense, or a similar provision of a local ordinance, a
27 violation of Section 9-3 of the Criminal Code of 1961,
28 relating to the offense of reckless homicide, or a similar
29 out-of-state offense, or a statutory summary suspension under
30 Section 11-501.1 of this Code.

31 (d-1) Except as provided in subsection (d-2) and
32 subsection (d-3), any person convicted of a third or
33 subsequent violation of this Section shall serve a minimum
34 term of imprisonment of 30 days or 300 hours of community

1 service, as determined by the court.

2 (d-2) Any person convicted of a third violation of this
3 Section is guilty of a Class 4 felony and must serve a
4 minimum term of imprisonment of 30 days if the revocation or
5 suspension was for a violation of Section 11-401 or 11-501 of
6 this Code, or a similar out-of-state offense, or a similar
7 provision of a local ordinance, a violation of Section 9-3 of
8 the Criminal Code of 1961, relating to the offense of
9 reckless homicide, or a similar out-of-state offense, or a
10 statutory summary suspension under Section 11-501.1 of this
11 Code.

12 (d-3) Any person convicted of a fourth or subsequent
13 violation of this Section is guilty of a Class 4 felony and
14 must serve a minimum term of imprisonment of 180 days if the
15 revocation or suspension was for a violation of Section
16 11-401 or 11-501 of this Code, or a similar out-of-state
17 offense, or a similar provision of a local ordinance, a
18 violation of Section 9-3 of the Criminal Code of 1961,
19 relating to the offense of reckless homicide, or a similar
20 out-of-state offense, or a statutory summary suspension under
21 Section 11-501.1 of this Code.

22 (e) Any person in violation of this Section who is also
23 in violation of Section 7-601 of this Code relating to
24 mandatory insurance requirements, in addition to other
25 penalties imposed under this Section, shall have his or her
26 motor vehicle immediately impounded by the arresting law
27 enforcement officer. The motor vehicle may be released to any
28 licensed driver upon a showing of proof of insurance for the
29 vehicle that was impounded and the notarized written consent
30 for the release by the vehicle owner.

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

34 (g) The motor vehicle used in a violation of this

1 Section is subject to seizure and forfeiture as provided in
 2 Sections 36-1 and 36-2 of the Criminal Code of 1961 if the
 3 person's driving privilege was revoked or suspended as a
 4 result of a violation listed in paragraph (1), (2), or (3) of
 5 subsection (c) of this Section or as a result of a summary
 6 suspension as provided in paragraph (4) of subsection (c) of
 7 this Section.

8 (Source: P.A. 91-692, eff. 4-13-00; 92-340, eff. 8-10-01.)

9 Section 10. The Criminal Code of 1961 is amended by
 10 changing Section 36-1 as follows:

11 (720 ILCS 5/36-1) (from Ch. 38, par. 36-1)

12 Sec. 36-1. Seizure. Any vessel, vehicle or aircraft
 13 used with the knowledge and consent of the owner in the
 14 commission of, or in the attempt to commit as defined in
 15 Section 8-4 of this Code, an offense prohibited by (a)
 16 Section 9-1, 9-3, 10-2, 11-6, 11-15.1, 11-19.1, 11-19.2,
 17 11-20.1, 12-4.1, 12-4.2, 12-4.2-5, 12-4.3, 12-4.6, 12-7.3,
 18 12-7.4, 12-13, 12-14, 18-2, 19-1, 19-2, 19-3, 20-1, 20-2,
 19 20.5-6, 24-1.2, 24-1.2-5, 24-1.5, or 28-1 of this Code,
 20 paragraph (a) of Section 12-4 of this Code, paragraph (a) of
 21 Section 12-15 or paragraphs (a), (c) or (d) of Section 12-16
 22 of this Code, or paragraph (a)(6) or (a)(7) of Section 24-1
 23 of this Code; (b) Section 21, 22, 23, 24 or 26 of the
 24 Cigarette Tax Act if the vessel, vehicle or aircraft contains
 25 more than 10 cartons of such cigarettes; (c) Section 28, 29
 26 or 30 of the Cigarette Use Tax Act if the vessel, vehicle or
 27 aircraft contains more than 10 cartons of such cigarettes;
 28 (d) Section 44 of the Environmental Protection Act; (e)
 29 11-204.1 of the Illinois Vehicle Code; or (f) the offenses
 30 described in the following provisions of the Illinois Vehicle
 31 Code: Section 11-501 subdivisions (c-1)(1), (c-1)(2),
 32 (c-1)(3), (d)(1)(A), or (d)(1)(D); or (g) an offense

1 described in subsection (g) of Section 6-303 of the Illinois
2 Vehicle Code; may be seized and delivered forthwith to the
3 sheriff of the county of seizure.

4 Within 15 days after such delivery the sheriff shall give
5 notice of seizure to each person according to the following
6 method: Upon each such person whose right, title or interest
7 is of record in the office of the Secretary of State, the
8 Secretary of Transportation, the Administrator of the Federal
9 Aviation Agency, or any other Department of this State, or
10 any other state of the United States if such vessel, vehicle
11 or aircraft is required to be so registered, as the case may
12 be, by mailing a copy of the notice by certified mail to the
13 address as given upon the records of the Secretary of State,
14 the Department of Aeronautics, Department of Public Works and
15 Buildings or any other Department of this State or the United
16 States if such vessel, vehicle or aircraft is required to be
17 so registered. Within that 15 day period the sheriff shall
18 also notify the State's Attorney of the county of seizure
19 about the seizure.

20 In addition, any mobile or portable equipment used in the
21 commission of an act which is in violation of Section 7g of
22 the Metropolitan Water Reclamation District Act shall be
23 subject to seizure and forfeiture under the same procedures
24 provided in this Article for the seizure and forfeiture of
25 vessels, vehicles and aircraft, and any such equipment shall
26 be deemed a vessel, vehicle or aircraft for purposes of this
27 Article.

28 When a person discharges a firearm at another individual
29 from a vehicle with the knowledge and consent of the owner of
30 the vehicle and with the intent to cause death or great
31 bodily harm to that individual and as a result causes death
32 or great bodily harm to that individual, the vehicle shall be
33 subject to seizure and forfeiture under the same procedures
34 provided in this Article for the seizure and forfeiture of

1 vehicles used in violations of clauses (a), (b), (c), or (d)
2 of this Section.

3 If the spouse of the owner of a vehicle seized for an
4 offense described in subsection (g) of Section 6-303 of the
5 Illinois Vehicle Code, a violation of subdivision (c-1)(1),
6 (c-1)(2), (c-1)(3), (d)(1)(A), or (d)(1)(D) of Section 11-501
7 of the Illinois Vehicle Code, or Section 9-3 of this Code
8 makes a showing that the seized vehicle is the only source of
9 transportation and it is determined that the financial
10 hardship to the family as a result of the seizure outweighs
11 the benefit to the State from the seizure, the vehicle may be
12 forfeited to the spouse or family member and the title to the
13 vehicle shall be transferred to the spouse or family member
14 who is properly licensed and who requires the use of the
15 vehicle for employment or family transportation purposes. A
16 written declaration of forfeiture of a vehicle under this
17 Section shall be sufficient cause for the title to be
18 transferred to the spouse or family member. The provisions
19 of this paragraph shall apply only to one forfeiture per
20 vehicle. If the vehicle is the subject of a subsequent
21 forfeiture proceeding by virtue of a subsequent conviction of
22 either spouse or the family member, the spouse or family
23 member to whom the vehicle was forfeited under the first
24 forfeiture proceeding may not utilize the provisions of this
25 paragraph in another forfeiture proceeding. If the owner of
26 the vehicle seized owns more than one vehicle, the procedure
27 set out in this paragraph may be used for only one vehicle.

28 Property declared contraband under Section 40 of the
29 Illinois Streetgang Terrorism Omnibus Prevention Act may be
30 seized and forfeited under this Article.

31 (Source: P.A. 91-876, eff. 1-1-01; 92-57, eff. 1-1-02.)

32 Section 99. Effective date. This Act takes effect upon
33 becoming law."