

SB2208



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB2208

Introduced 2/7/2025, by Sen. Chris Balkema

SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-501

from Ch. 95 1/2, par. 11-501

Amends the Illinois Vehicle Code. Provides that a person shall not drive or be in actual physical control of any vehicle within the State while the alcohol concentration in the person's blood, other bodily substance, or breath is .04 or more for one year after the person's first conviction if the person is convicted with an alcohol concentration of .15 or more, or for 5 years after the person's second or subsequent conviction with an alcohol concentration of .15 or more.

LRB104 09371 LNS 19430 b

A BILL FOR

1 AN ACT concerning transportation.

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

4 Section 5. The Illinois Vehicle Code is amended by
5 changing Section 11-501 as follows:

6 (625 ILCS 5/11-501) (from Ch. 95 1/2, par. 11-501)

7 Sec. 11-501. Driving while under the influence of alcohol,
8 other drug or drugs, intoxicating compound or compounds or any
9 combination thereof.

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

12 (1) the alcohol concentration in the person's blood,
13 other bodily substance, or breath is 0.08 or more based on
14 the definition of blood and breath units in Section
15 11-501.2, or, for persons who qualify under paragraphs (4)
16 and (5) of subsection (c), the alcohol concentration in
17 the person's blood, other bodily substance, or breath is
18 0.04 or more during the required time period;

19 (2) under the influence of alcohol;

20 (3) under the influence of any intoxicating compound
21 or combination of intoxicating compounds to a degree that
22 renders the person incapable of driving safely;

23 (4) under the influence of any other drug or

1 combination of drugs to a degree that renders the person
2 incapable of safely driving;

3 (5) under the combined influence of alcohol, other
4 drug or drugs, or intoxicating compound or compounds to a
5 degree that renders the person incapable of safely
6 driving;

7 (6) there is any amount of a drug, substance, or
8 compound in the person's breath, blood, other bodily
9 substance, or urine resulting from the unlawful use or
10 consumption of a controlled substance listed in the
11 Illinois Controlled Substances Act, an intoxicating
12 compound listed in the Use of Intoxicating Compounds Act,
13 or methamphetamine as listed in the Methamphetamine
14 Control and Community Protection Act; or

15 (7) the person has, within 2 hours of driving or being
16 in actual physical control of a vehicle, a
17 tetrahydrocannabinol concentration in the person's whole
18 blood or other bodily substance as defined in paragraph 6
19 of subsection (a) of Section 11-501.2 of this Code.
20 Subject to all other requirements and provisions under
21 this Section, this paragraph (7) does not apply to the
22 lawful consumption of cannabis by a qualifying patient
23 licensed under the Compassionate Use of Medical Cannabis
24 Program Act who is in possession of a valid registry card
25 issued under that Act, unless that person is impaired by
26 the use of cannabis.

1 (b) The fact that any person charged with violating this
2 Section is or has been legally entitled to use alcohol,
3 cannabis under the Compassionate Use of Medical Cannabis
4 Program Act, other drug or drugs, or intoxicating compound or
5 compounds, or any combination thereof, shall not constitute a
6 defense against any charge of violating this Section.

7 (c) Penalties.

8 (1) Except as otherwise provided in this Section, any
9 person convicted of violating subsection (a) of this
10 Section is guilty of a Class A misdemeanor.

11 (2) A person who violates subsection (a) or a similar
12 provision a second time shall be sentenced to a mandatory
13 minimum term of either 5 days of imprisonment or 240 hours
14 of community service in addition to any other criminal or
15 administrative sanction.

16 (3) A person who violates subsection (a) is subject to
17 6 months of imprisonment, an additional mandatory minimum
18 fine of \$1,000, and 25 days of community service in a
19 program benefiting children if the person was transporting
20 a person under the age of 16 at the time of the violation.

21 (4) A person who violates subsection (a) a first time,
22 if the alcohol concentration in his or her blood, breath,
23 other bodily substance, or urine was 0.15 ~~0.16~~ or more
24 based on the definition of blood, breath, other bodily
25 substance, or urine units in Section 11-501.2, shall be
26 subject, in addition to any other penalty that may be

1 imposed, to a mandatory minimum of 100 hours of community
2 service and a mandatory minimum fine of \$500. For one year
3 after the person's conviction for a violation that
4 qualifies under this subparagraph (4), the person shall
5 have a limit of an alcohol concentration in his or her
6 blood, breath, other bodily substance, or urine of 0.04.

7 (5) A person who violates subsection (a) a second
8 time, if at the time of the second violation the alcohol
9 concentration in his or her blood, breath, other bodily
10 substance, or urine was 0.15 ~~0.16~~ or more based on the
11 definition of blood, breath, other bodily substance, or
12 urine units in Section 11-501.2, shall be subject, in
13 addition to any other penalty that may be imposed, to a
14 mandatory minimum of 2 days of imprisonment and a
15 mandatory minimum fine of \$1,250. For 5 years after the
16 person's conviction for a violation that qualifies under
17 this subparagraph (5), the person shall have a limit of an
18 alcohol concentration in his or her blood, breath, other
19 bodily substance, or urine of 0.04.

20 (d) Aggravated driving under the influence of alcohol,
21 other drug or drugs, or intoxicating compound or compounds, or
22 any combination thereof.

23 (1) Every person convicted of committing a violation
24 of this Section shall be guilty of aggravated driving
25 under the influence of alcohol, other drug or drugs, or
26 intoxicating compound or compounds, or any combination

1 thereof if:

2 (A) the person committed a violation of subsection
3 (a) or a similar provision for the third or subsequent
4 time;

5 (B) the person committed a violation of subsection
6 (a) while driving a school bus with one or more
7 passengers on board;

8 (C) the person in committing a violation of
9 subsection (a) was involved in a motor vehicle crash
10 that resulted in great bodily harm or permanent
11 disability or disfigurement to another, when the
12 violation was a proximate cause of the injuries;

13 (D) the person committed a violation of subsection
14 (a) and has been previously convicted of violating
15 Section 9-3 of the Criminal Code of 1961 or the
16 Criminal Code of 2012 or a similar provision of a law
17 of another state relating to reckless homicide in
18 which the person was determined to have been under the
19 influence of alcohol, other drug or drugs, or
20 intoxicating compound or compounds as an element of
21 the offense or the person has previously been
22 convicted under subparagraph (C) or subparagraph (F)
23 of this paragraph (1);

24 (E) the person, in committing a violation of
25 subsection (a) while driving at any speed in a school
26 speed zone at a time when a speed limit of 20 miles per

1 hour was in effect under subsection (a) of Section
2 11-605 of this Code, was involved in a motor vehicle
3 crash that resulted in bodily harm, other than great
4 bodily harm or permanent disability or disfigurement,
5 to another person, when the violation of subsection
6 (a) was a proximate cause of the bodily harm;

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

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

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

25 (I) the person committed the violation while he or
26 she knew or should have known that the vehicle he or

1 she was driving was not covered by a liability
2 insurance policy;

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

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

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

15 (2) (A) Except as provided otherwise, a person
16 convicted of aggravated driving under the influence of
17 alcohol, other drug or drugs, or intoxicating compound or
18 compounds, or any combination thereof is guilty of a Class
19 4 felony.

20 (B) A third violation of this Section or a similar
21 provision is a Class 2 felony. If at the time of the third
22 violation the alcohol concentration in his or her blood,
23 breath, other bodily substance, or urine was 0.16 or more
24 based on the definition of blood, breath, other bodily
25 substance, or urine units in Section 11-501.2, a mandatory
26 minimum of 90 days of imprisonment and a mandatory minimum

1 fine of \$2,500 shall be imposed in addition to any other
2 criminal or administrative sanction. If at the time of the
3 third violation, the defendant was transporting a person
4 under the age of 16, a mandatory fine of \$25,000 and 25
5 days of community service in a program benefiting children
6 shall be imposed in addition to any other criminal or
7 administrative sanction.

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

23 (D) A fifth violation of this Section or a similar
24 provision is a Class 1 felony, for which a sentence of
25 probation or conditional discharge may not be imposed. If
26 at the time of the violation, the alcohol concentration in

1 the defendant's blood, breath, other bodily substance, or
2 urine was 0.16 or more based on the definition of blood,
3 breath, other bodily substance, or urine units in Section
4 11-501.2, a mandatory minimum fine of \$5,000 shall be
5 imposed in addition to any other criminal or
6 administrative sanction. If at the time of the fifth
7 violation, the defendant was transporting a person under
8 the age of 16, a mandatory fine of \$25,000, and 25 days of
9 community service in a program benefiting children shall
10 be imposed in addition to any other criminal or
11 administrative sanction.

12 (E) A sixth or subsequent violation of this Section or
13 similar provision is a Class X felony. If at the time of
14 the violation, the alcohol concentration in the
15 defendant's blood, breath, other bodily substance, or
16 urine was 0.16 or more based on the definition of blood,
17 breath, other bodily substance, or urine units in Section
18 11-501.2, a mandatory minimum fine of \$5,000 shall be
19 imposed in addition to any other criminal or
20 administrative sanction. If at the time of the violation,
21 the defendant was transporting a person under the age of
22 16, a mandatory fine of \$25,000 and 25 days of community
23 service in a program benefiting children shall be imposed
24 in addition to any other criminal or administrative
25 sanction.

26 (F) For a violation of subparagraph (C) of paragraph

1 (1) of this subsection (d), the defendant, if sentenced to
2 a term of imprisonment, shall be sentenced to not less
3 than one year nor more than 12 years.

4 (G) A violation of subparagraph (F) of paragraph (1)
5 of this subsection (d) is a Class 2 felony, for which the
6 defendant, unless the court determines that extraordinary
7 circumstances exist and require probation, shall be
8 sentenced to: (i) a term of imprisonment of not less than 3
9 years and not more than 14 years if the violation resulted
10 in the death of one person; or (ii) a term of imprisonment
11 of not less than 6 years and not more than 28 years if the
12 violation resulted in the deaths of 2 or more persons.

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

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

1 in a program benefiting children shall be imposed in
2 addition to any other criminal or administrative sanction.

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

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

13 (e) Any reference to a prior violation of subsection (a)
14 or a similar provision includes any violation of a provision
15 of a local ordinance or a provision of a law of another state
16 or an offense committed on a military installation that is
17 similar to a violation of subsection (a) of this Section.

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

21 (g) Any penalty imposed for driving with a license that
22 has been revoked for a previous violation of subsection (a) of
23 this Section shall be in addition to the penalty imposed for
24 any subsequent violation of subsection (a).

25 (h) For any prosecution under this Section, a certified
26 copy of the driving abstract of the defendant shall be

1 admitted as proof of any prior conviction.

2 (Source: P.A. 101-363, eff. 8-9-19; 102-982, eff. 7-1-23.)