



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB1852

Introduced 2/26/2021, by Sen. Mattie Hunter

SYNOPSIS AS INTRODUCED:

15 ILCS 335/4	from Ch. 124, par. 24
625 ILCS 5/6-106.1	from Ch. 95 1/2, par. 6-106.1
625 ILCS 5/6-206	
625 ILCS 5/6-508	from Ch. 95 1/2, par. 6-508
730 ILCS 5/5-6-3.1	from Ch. 38, par. 1005-6-3.1

Amends the Illinois Identification Card Act. Provides that Illinois Identification Cards issued to persons upon conditional release or absolute discharge from the custody of the Department of Human Services be issued prior to release or discharge (instead of no sooner than 14 days prior to release or discharge). Amends the Illinois Vehicle Code. Provides that applicants for school bus driver permits and commercial driver's licenses must not have been convicted of (i) aggravated domestic battery, or (ii) specified offenses under the Liquor Control Act of 1934 within the last 20 years before the date of the application (rather than at any point in the applicant's past). Amends the Unified Code of Corrections. Provides that a subsection concerning required proof of financial responsibility does not apply to a person who, at the time of the offense, was operating a motor vehicle registered in a state other than Illinois. Makes other changes. Effective immediately.

LRB102 13713 RAM 19063 b

1 AN ACT concerning the Secretary of State.

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

4 Section 5. The Illinois Identification Card Act is amended
5 by changing Section 4 as follows:

6 (15 ILCS 335/4) (from Ch. 124, par. 24)

7 Sec. 4. Identification card.

8 (a) The Secretary of State shall issue a standard Illinois
9 Identification Card to any natural person who is a resident of
10 the State of Illinois who applies for such card, or renewal
11 thereof. No identification card shall be issued to any person
12 who holds a valid foreign state identification card, license,
13 or permit unless the person first surrenders to the Secretary
14 of State the valid foreign state identification card, license,
15 or permit. The card shall be prepared and supplied by the
16 Secretary of State and shall include a photograph and
17 signature or mark of the applicant. However, the Secretary of
18 State may provide by rule for the issuance of Illinois
19 Identification Cards without photographs if the applicant has
20 a bona fide religious objection to being photographed or to
21 the display of his or her photograph. The Illinois
22 Identification Card may be used for identification purposes in
23 any lawful situation only by the person to whom it was issued.

1 As used in this Act, "photograph" means any color photograph
2 or digitally produced and captured image of an applicant for
3 an identification card. As used in this Act, "signature" means
4 the name of a person as written by that person and captured in
5 a manner acceptable to the Secretary of State.

6 (a-5) If an applicant for an identification card has a
7 current driver's license or instruction permit issued by the
8 Secretary of State, the Secretary may require the applicant to
9 utilize the same residence address and name on the
10 identification card, driver's license, and instruction permit
11 records maintained by the Secretary. The Secretary may
12 promulgate rules to implement this provision.

13 (a-10) If the applicant is a judicial officer as defined
14 in Section 1-10 of the Judicial Privacy Act or a peace officer,
15 the applicant may elect to have his or her office or work
16 address listed on the card instead of the applicant's
17 residence or mailing address. The Secretary may promulgate
18 rules to implement this provision. For the purposes of this
19 subsection (a-10), "peace officer" means any person who by
20 virtue of his or her office or public employment is vested by
21 law with a duty to maintain public order or to make arrests for
22 a violation of any penal statute of this State, whether that
23 duty extends to all violations or is limited to specific
24 violations.

25 (a-15) The Secretary of State may provide for an expedited
26 process for the issuance of an Illinois Identification Card.

1 The Secretary shall charge an additional fee for the expedited
2 issuance of an Illinois Identification Card, to be set by
3 rule, not to exceed \$75. All fees collected by the Secretary
4 for expedited Illinois Identification Card service shall be
5 deposited into the Secretary of State Special Services Fund.
6 The Secretary may adopt rules regarding the eligibility,
7 process, and fee for an expedited Illinois Identification
8 Card. If the Secretary of State determines that the volume of
9 expedited identification card requests received on a given day
10 exceeds the ability of the Secretary to process those requests
11 in an expedited manner, the Secretary may decline to provide
12 expedited services, and the additional fee for the expedited
13 service shall be refunded to the applicant.

14 (a-20) The Secretary of State shall issue a standard
15 Illinois Identification Card to a committed person upon
16 release on parole, mandatory supervised release, aftercare
17 release, final discharge, or pardon from the Department of
18 Corrections or Department of Juvenile Justice, if the released
19 person presents a certified copy of his or her birth
20 certificate, social security card or other documents
21 authorized by the Secretary, and 2 documents proving his or
22 her Illinois residence address. Documents proving residence
23 address may include any official document of the Department of
24 Corrections or the Department of Juvenile Justice showing the
25 released person's address after release and a Secretary of
26 State prescribed certificate of residency form, which may be

1 executed by Department of Corrections or Department of
2 Juvenile Justice personnel.

3 (a-25) The Secretary of State shall issue a limited-term
4 Illinois Identification Card valid for 90 days to a committed
5 person upon release on parole, mandatory supervised release,
6 aftercare release, final discharge, or pardon from the
7 Department of Corrections or Department of Juvenile Justice,
8 if the released person is unable to present a certified copy of
9 his or her birth certificate and social security card or other
10 documents authorized by the Secretary, but does present a
11 Secretary of State prescribed verification form completed by
12 the Department of Corrections or Department of Juvenile
13 Justice, verifying the released person's date of birth and
14 social security number and 2 documents proving his or her
15 Illinois residence address. The verification form must have
16 been completed no more than 30 days prior to the date of
17 application for the Illinois Identification Card. Documents
18 proving residence address shall include any official document
19 of the Department of Corrections or the Department of Juvenile
20 Justice showing the person's address after release and a
21 Secretary of State prescribed certificate of residency, which
22 may be executed by Department of Corrections or Department of
23 Juvenile Justice personnel.

24 Prior to the expiration of the 90-day period of the
25 limited-term Illinois Identification Card, if the released
26 person submits to the Secretary of State a certified copy of

1 his or her birth certificate and his or her social security
2 card or other documents authorized by the Secretary, a
3 standard Illinois Identification Card shall be issued. A
4 limited-term Illinois Identification Card may not be renewed.

5 (a-30) The Secretary of State shall issue a standard
6 Illinois Identification Card to a person upon conditional
7 release or absolute discharge from the custody of the
8 Department of Human Services, if the person presents a
9 certified copy of his or her birth certificate, social
10 security card, or other documents authorized by the Secretary,
11 and a document proving his or her Illinois residence address.
12 The Secretary of State shall issue a standard Illinois
13 Identification Card to a person ~~no sooner than 14 days~~ prior to
14 his or her conditional release or absolute discharge if
15 personnel from the Department of Human Services bring the
16 person to a Secretary of State location with the required
17 documents. Documents proving residence address may include any
18 official document of the Department of Human Services showing
19 the person's address after release and a Secretary of State
20 prescribed verification form, which may be executed by
21 personnel of the Department of Human Services.

22 (a-35) The Secretary of State shall issue a limited-term
23 Illinois Identification Card valid for 90 days to a person
24 upon conditional release or absolute discharge from the
25 custody of the Department of Human Services, if the person is
26 unable to present a certified copy of his or her birth

1 certificate and social security card or other documents
2 authorized by the Secretary, but does present a Secretary of
3 State prescribed verification form completed by the Department
4 of Human Services, verifying the person's date of birth and
5 social security number, and a document proving his or her
6 Illinois residence address. The verification form must have
7 been completed no more than 30 days prior to the date of
8 application for the Illinois Identification Card. The
9 Secretary of State shall issue a limited-term Illinois
10 Identification Card to a person no sooner than 14 days prior to
11 his or her conditional release or absolute discharge if
12 personnel from the Department of Human Services bring the
13 person to a Secretary of State location with the required
14 documents. Documents proving residence address shall include
15 any official document of the Department of Human Services
16 showing the person's address after release and a Secretary of
17 State prescribed verification form, which may be executed by
18 personnel of the Department of Human Services.

19 (b) The Secretary of State shall issue a special Illinois
20 Identification Card, which shall be known as an Illinois
21 Person with a Disability Identification Card, to any natural
22 person who is a resident of the State of Illinois, who is a
23 person with a disability as defined in Section 4A of this Act,
24 who applies for such card, or renewal thereof. No Illinois
25 Person with a Disability Identification Card shall be issued
26 to any person who holds a valid foreign state identification

1 card, license, or permit unless the person first surrenders to
2 the Secretary of State the valid foreign state identification
3 card, license, or permit. The Secretary of State shall charge
4 no fee to issue such card. The card shall be prepared and
5 supplied by the Secretary of State, and shall include a
6 photograph and signature or mark of the applicant, a
7 designation indicating that the card is an Illinois Person
8 with a Disability Identification Card, and shall include a
9 comprehensible designation of the type and classification of
10 the applicant's disability as set out in Section 4A of this
11 Act. However, the Secretary of State may provide by rule for
12 the issuance of Illinois Person with a Disability
13 Identification Cards without photographs if the applicant has
14 a bona fide religious objection to being photographed or to
15 the display of his or her photograph. If the applicant so
16 requests, the card shall include a description of the
17 applicant's disability and any information about the
18 applicant's disability or medical history which the Secretary
19 determines would be helpful to the applicant in securing
20 emergency medical care. If a mark is used in lieu of a
21 signature, such mark shall be affixed to the card in the
22 presence of two witnesses who attest to the authenticity of
23 the mark. The Illinois Person with a Disability Identification
24 Card may be used for identification purposes in any lawful
25 situation by the person to whom it was issued.

26 The Illinois Person with a Disability Identification Card

1 may be used as adequate documentation of disability in lieu of
2 a physician's determination of disability, a determination of
3 disability from a physician assistant, a determination of
4 disability from an advanced practice registered nurse, or any
5 other documentation of disability whenever any State law
6 requires that a person with a disability provide such
7 documentation of disability, however an Illinois Person with a
8 Disability Identification Card shall not qualify the
9 cardholder to participate in any program or to receive any
10 benefit which is not available to all persons with like
11 disabilities. Notwithstanding any other provisions of law, an
12 Illinois Person with a Disability Identification Card, or
13 evidence that the Secretary of State has issued an Illinois
14 Person with a Disability Identification Card, shall not be
15 used by any person other than the person named on such card to
16 prove that the person named on such card is a person with a
17 disability or for any other purpose unless the card is used for
18 the benefit of the person named on such card, and the person
19 named on such card consents to such use at the time the card is
20 so used.

21 An optometrist's determination of a visual disability
22 under Section 4A of this Act is acceptable as documentation
23 for the purpose of issuing an Illinois Person with a
24 Disability Identification Card.

25 When medical information is contained on an Illinois
26 Person with a Disability Identification Card, the Office of

1 the Secretary of State shall not be liable for any actions
2 taken based upon that medical information.

3 (c) The Secretary of State shall provide that each
4 original or renewal Illinois Identification Card or Illinois
5 Person with a Disability Identification Card issued to a
6 person under the age of 21 shall be of a distinct nature from
7 those Illinois Identification Cards or Illinois Person with a
8 Disability Identification Cards issued to individuals 21 years
9 of age or older. The color designated for Illinois
10 Identification Cards or Illinois Person with a Disability
11 Identification Cards for persons under the age of 21 shall be
12 at the discretion of the Secretary of State.

13 (c-1) Each original or renewal Illinois Identification
14 Card or Illinois Person with a Disability Identification Card
15 issued to a person under the age of 21 shall display the date
16 upon which the person becomes 18 years of age and the date upon
17 which the person becomes 21 years of age.

18 (c-3) The General Assembly recognizes the need to identify
19 military veterans living in this State for the purpose of
20 ensuring that they receive all of the services and benefits to
21 which they are legally entitled, including healthcare,
22 education assistance, and job placement. To assist the State
23 in identifying these veterans and delivering these vital
24 services and benefits, the Secretary of State is authorized to
25 issue Illinois Identification Cards and Illinois Person with a
26 Disability Identification Cards with the word "veteran"

1 appearing on the face of the cards. This authorization is
2 predicated on the unique status of veterans. The Secretary may
3 not issue any other identification card which identifies an
4 occupation, status, affiliation, hobby, or other unique
5 characteristics of the identification card holder which is
6 unrelated to the purpose of the identification card.

7 (c-5) Beginning on or before July 1, 2015, the Secretary
8 of State shall designate a space on each original or renewal
9 identification card where, at the request of the applicant,
10 the word "veteran" shall be placed. The veteran designation
11 shall be available to a person identified as a veteran under
12 subsection (b) of Section 5 of this Act who was discharged or
13 separated under honorable conditions.

14 (d) The Secretary of State may issue a Senior Citizen
15 discount card, to any natural person who is a resident of the
16 State of Illinois who is 60 years of age or older and who
17 applies for such a card or renewal thereof. The Secretary of
18 State shall charge no fee to issue such card. The card shall be
19 issued in every county and applications shall be made
20 available at, but not limited to, nutrition sites, senior
21 citizen centers and Area Agencies on Aging. The applicant,
22 upon receipt of such card and prior to its use for any purpose,
23 shall have affixed thereon in the space provided therefor his
24 signature or mark.

25 (e) The Secretary of State, in his or her discretion, may
26 designate on each Illinois Identification Card or Illinois

1 Person with a Disability Identification Card a space where the
2 card holder may place a sticker or decal, issued by the
3 Secretary of State, of uniform size as the Secretary may
4 specify, that shall indicate in appropriate language that the
5 card holder has renewed his or her Illinois Identification
6 Card or Illinois Person with a Disability Identification Card.
7 (Source: P.A. 99-143, eff. 7-27-15; 99-173, eff. 7-29-15;
8 99-305, eff. 1-1-16; 99-642, eff. 7-28-16; 99-907, eff.
9 7-1-17; 100-513, eff. 1-1-18; 100-717, eff. 7-1-19.)

10 Section 10. The Illinois Vehicle Code is amended by
11 changing Sections 6-106.1, 6-206, and 6-508 as follows:

12 (625 ILCS 5/6-106.1) (from Ch. 95 1/2, par. 6-106.1)

13 Sec. 6-106.1. School bus driver permit.

14 (a) The Secretary of State shall issue a school bus driver
15 permit to those applicants who have met all the requirements
16 of the application and screening process under this Section to
17 insure the welfare and safety of children who are transported
18 on school buses throughout the State of Illinois. Applicants
19 shall obtain the proper application required by the Secretary
20 of State from their prospective or current employer and submit
21 the completed application to the prospective or current
22 employer along with the necessary fingerprint submission as
23 required by the Department of State Police to conduct
24 fingerprint based criminal background checks on current and

1 future information available in the state system and current
2 information available through the Federal Bureau of
3 Investigation's system. Applicants who have completed the
4 fingerprinting requirements shall not be subjected to the
5 fingerprinting process when applying for subsequent permits or
6 submitting proof of successful completion of the annual
7 refresher course. Individuals who on July 1, 1995 (the
8 effective date of Public Act 88-612) possess a valid school
9 bus driver permit that has been previously issued by the
10 appropriate Regional School Superintendent are not subject to
11 the fingerprinting provisions of this Section as long as the
12 permit remains valid and does not lapse. The applicant shall
13 be required to pay all related application and fingerprinting
14 fees as established by rule including, but not limited to, the
15 amounts established by the Department of State Police and the
16 Federal Bureau of Investigation to process fingerprint based
17 criminal background investigations. All fees paid for
18 fingerprint processing services under this Section shall be
19 deposited into the State Police Services Fund for the cost
20 incurred in processing the fingerprint based criminal
21 background investigations. All other fees paid under this
22 Section shall be deposited into the Road Fund for the purpose
23 of defraying the costs of the Secretary of State in
24 administering this Section. All applicants must:

25 1. be 21 years of age or older;

26 2. possess a valid and properly classified driver's

1 license issued by the Secretary of State;

2 3. possess a valid driver's license, which has not
3 been revoked, suspended, or canceled for 3 years
4 immediately prior to the date of application, or have not
5 had his or her commercial motor vehicle driving privileges
6 disqualified within the 3 years immediately prior to the
7 date of application;

8 4. successfully pass a written test, administered by
9 the Secretary of State, on school bus operation, school
10 bus safety, and special traffic laws relating to school
11 buses and submit to a review of the applicant's driving
12 habits by the Secretary of State at the time the written
13 test is given;

14 5. demonstrate ability to exercise reasonable care in
15 the operation of school buses in accordance with rules
16 promulgated by the Secretary of State;

17 6. demonstrate physical fitness to operate school
18 buses by submitting the results of a medical examination,
19 including tests for drug use for each applicant not
20 subject to such testing pursuant to federal law, conducted
21 by a licensed physician, a licensed advanced practice
22 registered nurse, or a licensed physician assistant within
23 90 days of the date of application according to standards
24 promulgated by the Secretary of State;

25 7. affirm under penalties of perjury that he or she
26 has not made a false statement or knowingly concealed a

1 material fact in any application for permit;

2 8. have completed an initial classroom course,
3 including first aid procedures, in school bus driver
4 safety as promulgated by the Secretary of State; and after
5 satisfactory completion of said initial course an annual
6 refresher course; such courses and the agency or
7 organization conducting such courses shall be approved by
8 the Secretary of State; failure to complete the annual
9 refresher course, shall result in cancellation of the
10 permit until such course is completed;

11 9. not have been under an order of court supervision
12 for or convicted of 2 or more serious traffic offenses, as
13 defined by rule, within one year prior to the date of
14 application that may endanger the life or safety of any of
15 the driver's passengers within the duration of the permit
16 period;

17 10. not have been under an order of court supervision
18 for or convicted of reckless driving, aggravated reckless
19 driving, driving while under the influence of alcohol,
20 other drug or drugs, intoxicating compound or compounds or
21 any combination thereof, or reckless homicide resulting
22 from the operation of a motor vehicle within 3 years of the
23 date of application;

24 11. not have been convicted of committing or
25 attempting to commit any one or more of the following
26 offenses: (i) those offenses defined in Sections 8-1,

1 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1,
2 10-2, 10-3.1, 10-4, 10-5, 10-5.1, 10-6, 10-7, 10-9,
3 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-6.5,
4 11-6.6, 11-9, 11-9.1, 11-9.1A, 11-9.3, 11-9.4, 11-9.4-1,
5 11-14, 11-14.1, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16,
6 11-17, 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2,
7 11-20, 11-20.1, 11-20.1B, 11-20.3, 11-21, 11-22, 11-23,
8 11-24, 11-25, 11-26, 11-30, 12-2.6, 12-3.05, 12-3.1,
9 12-3.3, 12-4, 12-4.1, 12-4.2, 12-4.2-5, 12-4.3, 12-4.4,
10 12-4.5, 12-4.6, 12-4.7, 12-4.9, 12-5.01, 12-5.3, 12-6,
11 12-6.2, 12-7.1, 12-7.3, 12-7.4, 12-7.5, 12-11, 12-13,
12 12-14, 12-14.1, 12-15, 12-16, 12-16.2, 12-21.5, 12-21.6,
13 12-33, 12C-5, 12C-10, 12C-20, 12C-30, 12C-45, 16-16,
14 16-16.1, 18-1, 18-2, 18-3, 18-4, 18-5, 19-6, 20-1, 20-1.1,
15 20-1.2, 20-1.3, 20-2, 24-1, 24-1.1, 24-1.2, 24-1.2-5,
16 24-1.6, 24-1.7, 24-2.1, 24-3.3, 24-3.5, 24-3.8, 24-3.9,
17 31A-1.1, 33A-2, and 33D-1, in subsection (A), clauses (a)
18 and (b), of Section 24-3, and those offenses contained in
19 Article 29D of the Criminal Code of 1961 or the Criminal
20 Code of 2012; (ii) those offenses defined in the Cannabis
21 Control Act except those offenses defined in subsections
22 (a) and (b) of Section 4, and subsection (a) of Section 5
23 of the Cannabis Control Act; (iii) those offenses defined
24 in the Illinois Controlled Substances Act; (iv) those
25 offenses defined in the Methamphetamine Control and
26 Community Protection Act; and (v) any offense committed or

1 attempted in any other state or against the laws of the
2 United States, which if committed or attempted in this
3 State would be punishable as one or more of the foregoing
4 offenses; (vi) the offenses defined in Section 4.1 and 5.1
5 of the Wrongs to Children Act or Section 11-9.1A of the
6 Criminal Code of 1961 or the Criminal Code of 2012; (vii)
7 those offenses defined in Section 6-16 of the Liquor
8 Control Act of 1934 within the last 20 years before the
9 date of the application; and (viii) those offenses defined
10 in the Methamphetamine Precursor Control Act;

11 12. not have been repeatedly involved as a driver in
12 motor vehicle collisions or been repeatedly convicted of
13 offenses against laws and ordinances regulating the
14 movement of traffic, to a degree which indicates lack of
15 ability to exercise ordinary and reasonable care in the
16 safe operation of a motor vehicle or disrespect for the
17 traffic laws and the safety of other persons upon the
18 highway;

19 13. not have, through the unlawful operation of a
20 motor vehicle, caused an accident resulting in the death
21 of any person;

22 14. not have, within the last 5 years, been adjudged
23 to be afflicted with or suffering from any mental
24 disability or disease;

25 15. consent, in writing, to the release of results of
26 reasonable suspicion drug and alcohol testing under

1 Section 6-106.1c of this Code by the employer of the
2 applicant to the Secretary of State; and

3 16. not have been convicted of committing or
4 attempting to commit within the last 20 years: (i) an
5 offense defined in subsection (c) of Section 4, subsection
6 (b) of Section 5, and subsection (a) of Section 8 of the
7 Cannabis Control Act; or (ii) any offenses in any other
8 state or against the laws of the United States that, if
9 committed or attempted in this State, would be punishable
10 as one or more of the foregoing offenses.

11 (b) A school bus driver permit shall be valid for a period
12 specified by the Secretary of State as set forth by rule. It
13 shall be renewable upon compliance with subsection (a) of this
14 Section.

15 (c) A school bus driver permit shall contain the holder's
16 driver's license number, legal name, residence address, zip
17 code, and date of birth, a brief description of the holder and
18 a space for signature. The Secretary of State may require a
19 suitable photograph of the holder.

20 (d) The employer shall be responsible for conducting a
21 pre-employment interview with prospective school bus driver
22 candidates, distributing school bus driver applications and
23 medical forms to be completed by the applicant, and submitting
24 the applicant's fingerprint cards to the Department of State
25 Police that are required for the criminal background
26 investigations. The employer shall certify in writing to the

1 Secretary of State that all pre-employment conditions have
2 been successfully completed including the successful
3 completion of an Illinois specific criminal background
4 investigation through the Department of State Police and the
5 submission of necessary fingerprints to the Federal Bureau of
6 Investigation for criminal history information available
7 through the Federal Bureau of Investigation system. The
8 applicant shall present the certification to the Secretary of
9 State at the time of submitting the school bus driver permit
10 application.

11 (e) Permits shall initially be provisional upon receiving
12 certification from the employer that all pre-employment
13 conditions have been successfully completed, and upon
14 successful completion of all training and examination
15 requirements for the classification of the vehicle to be
16 operated, the Secretary of State shall provisionally issue a
17 School Bus Driver Permit. The permit shall remain in a
18 provisional status pending the completion of the Federal
19 Bureau of Investigation's criminal background investigation
20 based upon fingerprinting specimens submitted to the Federal
21 Bureau of Investigation by the Department of State Police. The
22 Federal Bureau of Investigation shall report the findings
23 directly to the Secretary of State. The Secretary of State
24 shall remove the bus driver permit from provisional status
25 upon the applicant's successful completion of the Federal
26 Bureau of Investigation's criminal background investigation.

1 (f) A school bus driver permit holder shall notify the
2 employer and the Secretary of State if he or she is issued an
3 order of court supervision for or convicted in another state
4 of an offense that would make him or her ineligible for a
5 permit under subsection (a) of this Section. The written
6 notification shall be made within 5 days of the entry of the
7 order of court supervision or conviction. Failure of the
8 permit holder to provide the notification is punishable as a
9 petty offense for a first violation and a Class B misdemeanor
10 for a second or subsequent violation.

11 (g) Cancellation; suspension; notice and procedure.

12 (1) The Secretary of State shall cancel a school bus
13 driver permit of an applicant whose criminal background
14 investigation discloses that he or she is not in
15 compliance with the provisions of subsection (a) of this
16 Section.

17 (2) The Secretary of State shall cancel a school bus
18 driver permit when he or she receives notice that the
19 permit holder fails to comply with any provision of this
20 Section or any rule promulgated for the administration of
21 this Section.

22 (3) The Secretary of State shall cancel a school bus
23 driver permit if the permit holder's restricted commercial
24 or commercial driving privileges are withdrawn or
25 otherwise invalidated.

26 (4) The Secretary of State may not issue a school bus

1 driver permit for a period of 3 years to an applicant who
2 fails to obtain a negative result on a drug test as
3 required in item 6 of subsection (a) of this Section or
4 under federal law.

5 (5) The Secretary of State shall forthwith suspend a
6 school bus driver permit for a period of 3 years upon
7 receiving notice that the holder has failed to obtain a
8 negative result on a drug test as required in item 6 of
9 subsection (a) of this Section or under federal law.

10 (6) The Secretary of State shall suspend a school bus
11 driver permit for a period of 3 years upon receiving
12 notice from the employer that the holder failed to perform
13 the inspection procedure set forth in subsection (a) or
14 (b) of Section 12-816 of this Code.

15 (7) The Secretary of State shall suspend a school bus
16 driver permit for a period of 3 years upon receiving
17 notice from the employer that the holder refused to submit
18 to an alcohol or drug test as required by Section 6-106.1c
19 or has submitted to a test required by that Section which
20 disclosed an alcohol concentration of more than 0.00 or
21 disclosed a positive result on a National Institute on
22 Drug Abuse five-drug panel, utilizing federal standards
23 set forth in 49 CFR 40.87.

24 The Secretary of State shall notify the State
25 Superintendent of Education and the permit holder's
26 prospective or current employer that the applicant has (1) has

1 failed a criminal background investigation or (2) is no longer
2 eligible for a school bus driver permit; and of the related
3 cancellation of the applicant's provisional school bus driver
4 permit. The cancellation shall remain in effect pending the
5 outcome of a hearing pursuant to Section 2-118 of this Code.
6 The scope of the hearing shall be limited to the issuance
7 criteria contained in subsection (a) of this Section. A
8 petition requesting a hearing shall be submitted to the
9 Secretary of State and shall contain the reason the individual
10 feels he or she is entitled to a school bus driver permit. The
11 permit holder's employer shall notify in writing to the
12 Secretary of State that the employer has certified the removal
13 of the offending school bus driver from service prior to the
14 start of that school bus driver's next workshift. An employing
15 school board that fails to remove the offending school bus
16 driver from service is subject to the penalties defined in
17 Section 3-14.23 of the School Code. A school bus contractor
18 who violates a provision of this Section is subject to the
19 penalties defined in Section 6-106.11.

20 All valid school bus driver permits issued under this
21 Section prior to January 1, 1995, shall remain effective until
22 their expiration date unless otherwise invalidated.

23 (h) When a school bus driver permit holder who is a service
24 member is called to active duty, the employer of the permit
25 holder shall notify the Secretary of State, within 30 days of
26 notification from the permit holder, that the permit holder

1 has been called to active duty. Upon notification pursuant to
2 this subsection, (i) the Secretary of State shall characterize
3 the permit as inactive until a permit holder renews the permit
4 as provided in subsection (i) of this Section, and (ii) if a
5 permit holder fails to comply with the requirements of this
6 Section while called to active duty, the Secretary of State
7 shall not characterize the permit as invalid.

8 (i) A school bus driver permit holder who is a service
9 member returning from active duty must, within 90 days, renew
10 a permit characterized as inactive pursuant to subsection (h)
11 of this Section by complying with the renewal requirements of
12 subsection (b) of this Section.

13 (j) For purposes of subsections (h) and (i) of this
14 Section:

15 "Active duty" means active duty pursuant to an executive
16 order of the President of the United States, an act of the
17 Congress of the United States, or an order of the Governor.

18 "Service member" means a member of the Armed Services or
19 reserve forces of the United States or a member of the Illinois
20 National Guard.

21 (k) A private carrier employer of a school bus driver
22 permit holder, having satisfied the employer requirements of
23 this Section, shall be held to a standard of ordinary care for
24 intentional acts committed in the course of employment by the
25 bus driver permit holder. This subsection (k) shall in no way
26 limit the liability of the private carrier employer for

1 violation of any provision of this Section or for the
2 negligent hiring or retention of a school bus driver permit
3 holder.

4 (Source: P.A. 100-513, eff. 1-1-18; 101-458, eff. 1-1-20.)

5 (625 ILCS 5/6-206)

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

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

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

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

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

1 traffic laws and the safety of other persons upon the
2 highway;

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

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

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

20 7. Has refused or failed to submit to an examination
21 provided for by Section 6-207 or has failed to pass the
22 examination;

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

25 9. Has made a false statement or knowingly concealed a
26 material fact or has used false information or

1 identification in any application for a license,
2 identification card, or permit;

3 10. Has possessed, displayed, or attempted to
4 fraudulently use any license, identification card, or
5 permit not issued to the person;

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

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

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

23 14. Has committed a violation of Section 6-301,
24 6-301.1, or 6-301.2 of this Code, or Section 14, 14A, or
25 14B of the Illinois Identification Card Act;

26 15. Has been convicted of violating Section 21-2 of

1 the Criminal Code of 1961 or the Criminal Code of 2012
2 relating to criminal trespass to vehicles if the person
3 exercised actual physical control over the vehicle during
4 the commission of the offense, in which case the
5 suspension shall be for one year;

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

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

12 18. (Blank);

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

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

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

22 22. Has used a motor vehicle in violating paragraph
23 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
24 the Criminal Code of 1961 or the Criminal Code of 2012
25 relating to unlawful use of weapons, in which case the
26 suspension shall be for one year;

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

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

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

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

18 27. (Blank);

19 28. Has been convicted for a first time of the illegal
20 possession, while operating or in actual physical control,
21 as a driver, of a motor vehicle, of any controlled
22 substance prohibited under the Illinois Controlled
23 Substances Act, any cannabis prohibited under the Cannabis
24 Control Act, or any methamphetamine prohibited under the
25 Methamphetamine Control and Community Protection Act, in
26 which case the person's driving privileges shall be

1 suspended for one year. Any defendant found guilty of this
2 offense while operating a motor vehicle, shall have an
3 entry made in the court record by the presiding judge that
4 this offense did occur while the defendant was operating a
5 motor vehicle and order the clerk of the court to report
6 the violation to the Secretary of State;

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

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

25 31. Has refused to submit to a test as required by
26 Section 11-501.6 of this Code or Section 5-16c of the Boat

1 Registration and Safety Act or has submitted to a test
2 resulting in an alcohol concentration of 0.08 or more or
3 any amount of a drug, substance, or compound resulting
4 from the unlawful use or consumption of cannabis as listed
5 in the Cannabis Control Act, a controlled substance as
6 listed in the Illinois Controlled Substances Act, an
7 intoxicating compound as listed in the Use of Intoxicating
8 Compounds Act, or methamphetamine as listed in the
9 Methamphetamine Control and Community Protection Act, in
10 which case the penalty shall be as prescribed in Section
11 6-208.1;

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

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

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

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

26 36. Is under the age of 21 years at the time of arrest

1 and has been convicted of not less than 2 offenses against
2 traffic regulations governing the movement of vehicles
3 committed within any 24-month ~~24-month~~ period. No
4 revocation or suspension shall be entered more than 6
5 months after the date of last conviction;

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

9 38. Has been convicted of a violation of Section 6-20
10 of the Liquor Control Act of 1934 or a similar provision of
11 a local ordinance and the person was an occupant of a motor
12 vehicle at the time of the violation;

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

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

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

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

25 43. Has received a disposition of court supervision
26 for a violation of subsection (a), (d), or (e) of Section

1 6-20 of the Liquor Control Act of 1934 or a similar
2 provision of a local ordinance and the person was an
3 occupant of a motor vehicle at the time of the violation,
4 in which case the suspension shall be for a period of 3
5 months;

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

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

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

21 47. Has committed a violation of subsection (a) of
22 Section 11-502.1 of this Code;

23 48. Has submitted a falsified or altered medical
24 examiner's certificate to the Secretary of State or
25 provided false information to obtain a medical examiner's
26 certificate; ~~or~~

1 49. Has been convicted of a violation of Section
2 11-1002 or 11-1002.5 that resulted in a Type A injury to
3 another, in which case the driving privileges of the
4 person shall be suspended for 12 months; or

5 50. Has committed a violation of subsection (b-5) of
6 Section 12-610.2 that resulted in great bodily harm,
7 permanent disability, or disfigurement, in which case the
8 driving privileges of the person shall be suspended for 12
9 months.

10 ~~49. Has committed a violation of subsection (b-5) of~~
11 ~~Section 12-610.2 that resulted in great bodily harm,~~
12 ~~permanent disability, or disfigurement, in which case the~~
13 ~~driving privileges shall be suspended for 12 months.~~

14 ~~49. Has been convicted of a violation of Section~~
15 ~~11-1002 or 11-1002.5 that resulted in a Type A injury to~~
16 ~~another, in which case the person's driving privileges~~
17 ~~shall be suspended for 12 months.~~

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

25 (b) If any conviction forming the basis of a suspension or
26 revocation authorized under this Section is appealed, the

1 Secretary of State may rescind or withhold the entry of the
2 order of suspension or revocation, as the case may be,
3 provided that a certified copy of a stay order of a court is
4 filed with the Secretary of State. If the conviction is
5 affirmed on appeal, the date of the conviction shall relate
6 back to the time the original judgment of conviction was
7 entered and the 6-month ~~6-month~~ limitation prescribed shall
8 not apply.

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

15 2. If the Secretary of State suspends the driver's license
16 of a person under subsection 2 of paragraph (a) of this
17 Section, a person's privilege to operate a vehicle as an
18 occupation shall not be suspended, provided an affidavit is
19 properly completed, the appropriate fee received, and a permit
20 issued prior to the effective date of the suspension, unless 5
21 offenses were committed, at least 2 of which occurred while
22 operating a commercial vehicle in connection with the driver's
23 regular occupation. All other driving privileges shall be
24 suspended by the Secretary of State. Any driver prior to
25 operating a vehicle for occupational purposes only must submit
26 the affidavit on forms to be provided by the Secretary of State

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

15 The provisions of this subparagraph shall not apply to any
16 driver required to possess a CDL for the purpose of operating a
17 commercial motor vehicle.

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

22 3. At the conclusion of a hearing under Section 2-118 of
23 this Code, the Secretary of State shall either rescind or
24 continue an order of revocation or shall substitute an order
25 of suspension; or, good cause appearing therefor, rescind,
26 continue, change, or extend the order of suspension. If the

1 Secretary of State does not rescind the order, the Secretary
2 may upon application, to relieve undue hardship (as defined by
3 the rules of the Secretary of State), issue a restricted
4 driving permit granting the privilege of driving a motor
5 vehicle between the petitioner's residence and petitioner's
6 place of employment or within the scope of the petitioner's
7 employment-related ~~employment-related~~ duties, or to allow the
8 petitioner to transport himself or herself, or a family member
9 of the petitioner's household to a medical facility, to
10 receive necessary medical care, to allow the petitioner to
11 transport himself or herself to and from alcohol or drug
12 remedial or rehabilitative activity recommended by a licensed
13 service provider, or to allow the petitioner to transport
14 himself or herself or a family member of the petitioner's
15 household to classes, as a student, at an accredited
16 educational institution, or to allow the petitioner to
17 transport children, elderly persons, or persons with
18 disabilities who do not hold driving privileges and are living
19 in the petitioner's household to and from daycare. The
20 petitioner must demonstrate that no alternative means of
21 transportation is reasonably available and that the petitioner
22 will not endanger the public safety or welfare.

23 (A) If a person's license or permit is revoked or
24 suspended due to 2 or more convictions of violating
25 Section 11-501 of this Code or a similar provision of a
26 local ordinance or a similar out-of-state offense, or

1 Section 9-3 of the Criminal Code of 1961 or the Criminal
2 Code of 2012, where the use of alcohol or other drugs is
3 recited as an element of the offense, or a similar
4 out-of-state offense, or a combination of these offenses,
5 arising out of separate occurrences, that person, if
6 issued a restricted driving permit, may not operate a
7 vehicle unless it has been equipped with an ignition
8 interlock device as defined in Section 1-129.1.

9 (B) If a person's license or permit is revoked or
10 suspended 2 or more times due to any combination of:

11 (i) a single conviction of violating Section
12 11-501 of this Code or a similar provision of a local
13 ordinance or a similar out-of-state offense or Section
14 9-3 of the Criminal Code of 1961 or the Criminal Code
15 of 2012, where the use of alcohol or other drugs is
16 recited as an element of the offense, or a similar
17 out-of-state offense; or

18 (ii) a statutory summary suspension or revocation
19 under Section 11-501.1; or

20 (iii) a suspension under Section 6-203.1;

21 arising out of separate occurrences; that person, if
22 issued a restricted driving permit, may not operate a
23 vehicle unless it has been equipped with an ignition
24 interlock device as defined in Section 1-129.1.

25 (B-5) If a person's license or permit is revoked or
26 suspended due to a conviction for a violation of

1 subparagraph (C) or (F) of paragraph (1) of subsection (d)
2 of Section 11-501 of this Code, or a similar provision of a
3 local ordinance or similar out-of-state offense, that
4 person, if issued a restricted driving permit, may not
5 operate a vehicle unless it has been equipped with an
6 ignition interlock device as defined in Section 1-129.1.

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

13 (D) If the restricted driving permit is issued for
14 employment purposes, then the prohibition against
15 operating a motor vehicle that is not equipped with an
16 ignition interlock device does not apply to the operation
17 of an occupational vehicle owned or leased by that
18 person's employer when used solely for employment
19 purposes. For any person who, within a 5-year period, is
20 convicted of a second or subsequent offense under Section
21 11-501 of this Code, or a similar provision of a local
22 ordinance or similar out-of-state offense, this employment
23 exemption does not apply until either a one-year period
24 has elapsed during which that person had his or her
25 driving privileges revoked or a one-year period has
26 elapsed during which that person had a restricted driving

1 permit which required the use of an ignition interlock
2 device on every motor vehicle owned or operated by that
3 person.

4 (E) In each case the Secretary may issue a restricted
5 driving permit for a period deemed appropriate, except
6 that all permits shall expire no later than 2 years from
7 the date of issuance. A restricted driving permit issued
8 under this Section shall be subject to cancellation,
9 revocation, and suspension by the Secretary of State in
10 like manner and for like cause as a driver's license
11 issued under this Code may be cancelled, revoked, or
12 suspended; except that a conviction upon one or more
13 offenses against laws or ordinances regulating the
14 movement of traffic shall be deemed sufficient cause for
15 the revocation, suspension, or cancellation of a
16 restricted driving permit. The Secretary of State may, as
17 a condition to the issuance of a restricted driving
18 permit, require the applicant to participate in a
19 designated driver remedial or rehabilitative program. The
20 Secretary of State is authorized to cancel a restricted
21 driving permit if the permit holder does not successfully
22 complete the program.

23 (F) A person subject to the provisions of paragraph 4
24 of subsection (b) of Section 6-208 of this Code may make
25 application for a restricted driving permit at a hearing
26 conducted under Section 2-118 of this Code after the

1 expiration of 5 years from the effective date of the most
2 recent revocation or after 5 years from the date of
3 release from a period of imprisonment resulting from a
4 conviction of the most recent offense, whichever is later,
5 provided the person, in addition to all other requirements
6 of the Secretary, shows by clear and convincing evidence:

7 (i) a minimum of 3 years of uninterrupted
8 abstinence from alcohol and the unlawful use or
9 consumption of cannabis under the Cannabis Control
10 Act, a controlled substance under the Illinois
11 Controlled Substances Act, an intoxicating compound
12 under the Use of Intoxicating Compounds Act, or
13 methamphetamine under the Methamphetamine Control and
14 Community Protection Act; and

15 (ii) the successful completion of any
16 rehabilitative treatment and involvement in any
17 ongoing rehabilitative activity that may be
18 recommended by a properly licensed service provider
19 according to an assessment of the person's alcohol or
20 drug use under Section 11-501.01 of this Code.

21 In determining whether an applicant is eligible for a
22 restricted driving permit under this subparagraph (F), the
23 Secretary may consider any relevant evidence, including,
24 but not limited to, testimony, affidavits, records, and
25 the results of regular alcohol or drug tests. Persons
26 subject to the provisions of paragraph 4 of subsection (b)

1 of Section 6-208 of this Code and who have been convicted
2 of more than one violation of paragraph (3), paragraph
3 (4), or paragraph (5) of subsection (a) of Section 11-501
4 of this Code shall not be eligible to apply for a
5 restricted driving permit under this subparagraph (F).

6 A restricted driving permit issued under this
7 subparagraph (F) shall provide that the holder may only
8 operate motor vehicles equipped with an ignition interlock
9 device as required under paragraph (2) of subsection (c)
10 of Section 6-205 of this Code and subparagraph (A) of
11 paragraph 3 of subsection (c) of this Section. The
12 Secretary may revoke a restricted driving permit or amend
13 the conditions of a restricted driving permit issued under
14 this subparagraph (F) if the holder operates a vehicle
15 that is not equipped with an ignition interlock device, or
16 for any other reason authorized under this Code.

17 A restricted driving permit issued under this
18 subparagraph (F) shall be revoked, and the holder barred
19 from applying for or being issued a restricted driving
20 permit in the future, if the holder is convicted of a
21 violation of Section 11-501 of this Code, a similar
22 provision of a local ordinance, or a similar offense in
23 another state.

24 (c-3) In the case of a suspension under paragraph 43 of
25 subsection (a), reports received by the Secretary of State
26 under this Section shall, except during the actual time the

1 suspension is in effect, be privileged information and for use
2 only by the courts, police officers, prosecuting authorities,
3 the driver licensing administrator of any other state, the
4 Secretary of State, or the parent or legal guardian of a driver
5 under the age of 18. However, beginning January 1, 2008, if the
6 person is a CDL holder, the suspension shall also be made
7 available to the driver licensing administrator of any other
8 state, the U.S. Department of Transportation, and the affected
9 driver or motor carrier or prospective motor carrier upon
10 request.

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

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

23 (d) This Section is subject to the provisions of the
24 Driver Drivers License Compact.

25 (e) The Secretary of State shall not issue a restricted
26 driving permit to a person under the age of 16 years whose

1 driving privileges have been suspended or revoked under any
2 provisions of this Code.

3 (f) In accordance with 49 C.F.R. 384, the Secretary of
4 State may not issue a restricted driving permit for the
5 operation of a commercial motor vehicle to a person holding a
6 CDL whose driving privileges have been suspended, revoked,
7 cancelled, or disqualified under any provisions of this Code.
8 (Source: P.A. 100-803, eff. 1-1-19; 101-90, eff. 7-1-20;
9 101-470, eff. 7-1-20; 101-623, eff. 7-1-20; revised 1-4-21.)

10 (625 ILCS 5/6-508) (from Ch. 95 1/2, par. 6-508)

11 Sec. 6-508. Commercial Driver's License (CDL) -
12 qualification standards.

13 (a) Testing.

14 (1) General. No person shall be issued an original or
15 renewal CDL unless that person is domiciled in this State
16 or is applying for a non-domiciled CDL under Sections
17 6-509 and 6-510 of this Code. The Secretary shall cause to
18 be administered such tests as the Secretary deems
19 necessary to meet the requirements of 49 C.F.R. Part 383,
20 subparts F, G, H, and J.

21 (1.5) Effective July 1, 2014, no person shall be
22 issued an original CDL or an upgraded CDL that requires a
23 skills test unless that person has held a CLP, for a
24 minimum of 14 calendar days, for the classification of
25 vehicle and endorsement, if any, for which the person is

1 seeking a CDL.

2 (2) Third party testing. The Secretary of State may
3 authorize a "third party tester", pursuant to 49 C.F.R.
4 383.75 and 49 C.F.R. 384.228 and 384.229, to administer
5 the skills test or tests specified by the Federal Motor
6 Carrier Safety Administration pursuant to the Commercial
7 Motor Vehicle Safety Act of 1986 and any appropriate
8 federal rule.

9 (3) (i) Effective February 7, 2020, unless the person
10 is exempted by 49 CFR 380.603, no person shall be issued an
11 original (first time issuance) CDL, an upgraded CDL or a
12 school bus (S), passenger (P), or hazardous Materials (H)
13 endorsement unless the person has successfully completed
14 entry-level driver training (ELDT) taught by a training
15 provider listed on the federal Training Provider Registry.

16 (ii) Persons who obtain a CLP before February 7, 2020
17 are not required to complete ELDT if the person obtains a
18 CDL before the CLP or renewed CLP expires.

19 (iii) Except for persons seeking the H endorsement,
20 persons must complete the theory and behind-the-wheel
21 (range and public road) portions of ELDT within one year
22 of completing the first portion.

23 (iv) The Secretary shall adopt rules to implement this
24 subsection.

25 (b) Waiver of Skills Test. The Secretary of State may
26 waive the skills test specified in this Section for a driver

1 applicant for a commercial driver license who meets the
2 requirements of 49 C.F.R. 383.77. The Secretary of State shall
3 waive the skills tests specified in this Section for a driver
4 applicant who has military commercial motor vehicle
5 experience, subject to the requirements of 49 C.F.R. 383.77.

6 (b-1) No person shall be issued a CDL unless the person
7 certifies to the Secretary one of the following types of
8 driving operations in which he or she will be engaged:

9 (1) non-excepted interstate;

10 (2) non-excepted intrastate;

11 (3) excepted interstate; or

12 (4) excepted intrastate.

13 (b-2) (Blank).

14 (c) Limitations on issuance of a CDL. A CDL shall not be
15 issued to a person while the person is subject to a
16 disqualification from driving a commercial motor vehicle, or
17 unless otherwise permitted by this Code, while the person's
18 driver's license is suspended, revoked or cancelled in any
19 state, or any territory or province of Canada; nor may a CLP or
20 CDL be issued to a person who has a CLP or CDL issued by any
21 other state, or foreign jurisdiction, nor may a CDL be issued
22 to a person who has an Illinois CLP unless the person first
23 surrenders all of these licenses or permits. However, a person
24 may hold an Illinois CLP and an Illinois CDL providing the CLP
25 is necessary to train or practice for an endorsement or
26 vehicle classification not present on the current CDL. No CDL

1 shall be issued to or renewed for a person who does not meet
2 the requirement of 49 CFR 391.41(b)(11). The requirement may
3 be met with the aid of a hearing aid.

4 (c-1) The Secretary may issue a CDL with a school bus
5 driver endorsement to allow a person to drive the type of bus
6 described in subsection (d-5) of Section 6-104 of this Code.
7 The CDL with a school bus driver endorsement may be issued only
8 to a person meeting the following requirements:

9 (1) the person has submitted his or her fingerprints
10 to the Department of State Police in the form and manner
11 prescribed by the Department of State Police. These
12 fingerprints shall be checked against the fingerprint
13 records now and hereafter filed in the Department of State
14 Police and Federal Bureau of Investigation criminal
15 history records databases;

16 (2) the person has passed a written test, administered
17 by the Secretary of State, on charter bus operation,
18 charter bus safety, and certain special traffic laws
19 relating to school buses determined by the Secretary of
20 State to be relevant to charter buses, and submitted to a
21 review of the driver applicant's driving habits by the
22 Secretary of State at the time the written test is given;

23 (3) the person has demonstrated physical fitness to
24 operate school buses by submitting the results of a
25 medical examination, including tests for drug use; and

26 (4) the person has not been convicted of committing or

1 attempting to commit any one or more of the following
2 offenses: (i) those offenses defined in Sections 8-1.2,
3 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2,
4 10-3.1, 10-4, 10-5, 10-5.1, 10-6, 10-7, 10-9, 11-1.20,
5 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-6.5, 11-6.6,
6 11-9, 11-9.1, 11-9.3, 11-9.4, 11-14, 11-14.1, 11-14.3,
7 11-14.4, 11-15, 11-15.1, 11-16, 11-17, 11-17.1, 11-18,
8 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1,
9 11-20.1B, 11-20.3, 11-21, 11-22, 11-23, 11-24, 11-25,
10 11-26, 11-30, 12-2.6, 12-3.1, 12-3.3, 12-4, 12-4.1,
11 12-4.2, 12-4.2-5, 12-4.3, 12-4.4, 12-4.5, 12-4.6, 12-4.7,
12 12-4.9, 12-5.01, 12-6, 12-6.2, 12-7.1, 12-7.3, 12-7.4,
13 12-7.5, 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16,
14 12-16.2, 12-21.5, 12-21.6, 12-33, 12C-5, 12C-10, 12C-20,
15 12C-30, 12C-45, 16-16, 16-16.1, 18-1, 18-2, 18-3, 18-4,
16 18-5, 19-6, 20-1, 20-1.1, 20-1.2, 20-1.3, 20-2, 24-1,
17 24-1.1, 24-1.2, 24-1.2-5, 24-1.6, 24-1.7, 24-2.1, 24-3.3,
18 24-3.5, 24-3.8, 24-3.9, 31A-1, 31A-1.1, 33A-2, and 33D-1,
19 and in subsection (b) of Section 8-1, and in subdivisions
20 (a) (1), (a) (2), (b) (1), (e) (1), (e) (2), (e) (3), (e) (4),
21 and (f) (1) of Section 12-3.05, and in subsection (a) and
22 subsection (b), clause (1), of Section 12-4, and in
23 subsection (A), clauses (a) and (b), of Section 24-3, and
24 those offenses contained in Article 29D of the Criminal
25 Code of 1961 or the Criminal Code of 2012; (ii) those
26 offenses defined in the Cannabis Control Act except those

1 offenses defined in subsections (a) and (b) of Section 4,
2 and subsection (a) of Section 5 of the Cannabis Control
3 Act; (iii) those offenses defined in the Illinois
4 Controlled Substances Act; (iv) those offenses defined in
5 the Methamphetamine Control and Community Protection Act;
6 (v) any offense committed or attempted in any other state
7 or against the laws of the United States, which if
8 committed or attempted in this State would be punishable
9 as one or more of the foregoing offenses; (vi) the
10 offenses defined in Sections 4.1 and 5.1 of the Wrongs to
11 Children Act or Section 11-9.1A of the Criminal Code of
12 1961 or the Criminal Code of 2012; (vii) those offenses
13 defined in Section 6-16 of the Liquor Control Act of 1934
14 within the last 20 years before the date of the
15 application; and (viii) those offenses defined in the
16 Methamphetamine Precursor Control Act.

17 The Department of State Police shall charge a fee for
18 conducting the criminal history records check, which shall be
19 deposited into the State Police Services Fund and may not
20 exceed the actual cost of the records check.

21 (c-2) The Secretary shall issue a CDL with a school bus
22 endorsement to allow a person to drive a school bus as defined
23 in this Section. The CDL shall be issued according to the
24 requirements outlined in 49 C.F.R. 383. A person may not
25 operate a school bus as defined in this Section without a
26 school bus endorsement. The Secretary of State may adopt rules

1 consistent with Federal guidelines to implement this
2 subsection (c-2).

3 (d) (Blank).

4 (Source: P.A. 101-185, eff. 1-1-20.)

5 Section 15. The Unified Code of Corrections is amended by
6 changing Section 5-6-3.1 as follows:

7 (730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)

8 Sec. 5-6-3.1. Incidents and conditions of supervision.

9 (a) When a defendant is placed on supervision, the court
10 shall enter an order for supervision specifying the period of
11 such supervision, and shall defer further proceedings in the
12 case until the conclusion of the period.

13 (b) The period of supervision shall be reasonable under
14 all of the circumstances of the case, but may not be longer
15 than 2 years, unless the defendant has failed to pay the
16 assessment required by Section 10.3 of the Cannabis Control
17 Act, Section 411.2 of the Illinois Controlled Substances Act,
18 or Section 80 of the Methamphetamine Control and Community
19 Protection Act, in which case the court may extend supervision
20 beyond 2 years. Additionally, the court shall order the
21 defendant to perform no less than 30 hours of community
22 service and not more than 120 hours of community service, if
23 community service is available in the jurisdiction and is
24 funded and approved by the county board where the offense was

1 committed, when the offense (1) was related to or in
2 furtherance of the criminal activities of an organized gang or
3 was motivated by the defendant's membership in or allegiance
4 to an organized gang; or (2) is a violation of any Section of
5 Article 24 of the Criminal Code of 1961 or the Criminal Code of
6 2012 where a disposition of supervision is not prohibited by
7 Section 5-6-1 of this Code. The community service shall
8 include, but not be limited to, the cleanup and repair of any
9 damage caused by violation of Section 21-1.3 of the Criminal
10 Code of 1961 or the Criminal Code of 2012 and similar damages
11 to property located within the municipality or county in which
12 the violation occurred. Where possible and reasonable, the
13 community service should be performed in the offender's
14 neighborhood.

15 For the purposes of this Section, "organized gang" has the
16 meaning ascribed to it in Section 10 of the Illinois
17 Streetgang Terrorism Omnibus Prevention Act.

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

23 (1) make a report to and appear in person before or
24 participate with the court or such courts, person, or
25 social service agency as directed by the court in the
26 order of supervision;

- 1 (2) pay a fine and costs;
- 2 (3) work or pursue a course of study or vocational
3 training;
- 4 (4) undergo medical, psychological or psychiatric
5 treatment; or treatment for drug addiction or alcoholism;
- 6 (5) attend or reside in a facility established for the
7 instruction or residence of defendants on probation;
- 8 (6) support his dependents;
- 9 (7) refrain from possessing a firearm or other
10 dangerous weapon;
- 11 (8) and in addition, if a minor:
 - 12 (i) reside with his parents or in a foster home;
 - 13 (ii) attend school;
 - 14 (iii) attend a non-residential program for youth;
 - 15 (iv) contribute to his own support at home or in a
16 foster home; or
 - 17 (v) with the consent of the superintendent of the
18 facility, attend an educational program at a facility
19 other than the school in which the offense was
20 committed if he or she is placed on supervision for a
21 crime of violence as defined in Section 2 of the Crime
22 Victims Compensation Act committed in a school, on the
23 real property comprising a school, or within 1,000
24 feet of the real property comprising a school;
- 25 (9) make restitution or reparation in an amount not to
26 exceed actual loss or damage to property and pecuniary

1 loss or make restitution under Section 5-5-6 to a domestic
2 violence shelter. The court shall determine the amount and
3 conditions of payment;

4 (10) perform some reasonable public or community
5 service;

6 (11) comply with the terms and conditions of an order
7 of protection issued by the court pursuant to the Illinois
8 Domestic Violence Act of 1986 or an order of protection
9 issued by the court of another state, tribe, or United
10 States territory. If the court has ordered the defendant
11 to make a report and appear in person under paragraph (1)
12 of this subsection, a copy of the order of protection
13 shall be transmitted to the person or agency so designated
14 by the court;

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

21 (13) contribute a reasonable sum of money, not to
22 exceed the maximum amount of the fine authorized for the
23 offense for which the defendant was sentenced, (i) to a
24 "local anti-crime program", as defined in Section 7 of the
25 Anti-Crime Advisory Council Act, or (ii) for offenses
26 under the jurisdiction of the Department of Natural

1 Resources, to the fund established by the Department of
2 Natural Resources for the purchase of evidence for
3 investigation purposes and to conduct investigations as
4 outlined in Section 805-105 of the Department of Natural
5 Resources (Conservation) Law;

6 (14) refrain from entering into a designated
7 geographic area except upon such terms as the court finds
8 appropriate. Such terms may include consideration of the
9 purpose of the entry, the time of day, other persons
10 accompanying the defendant, and advance approval by a
11 probation officer;

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

16 (16) refrain from having in his or her body the
17 presence of any illicit drug prohibited by the Cannabis
18 Control Act, the Illinois Controlled Substances Act, or
19 the Methamphetamine Control and Community Protection Act,
20 unless prescribed by a physician, and submit samples of
21 his or her blood or urine or both for tests to determine
22 the presence of any illicit drug;

23 (17) refrain from operating any motor vehicle not
24 equipped with an ignition interlock device as defined in
25 Section 1-129.1 of the Illinois Vehicle Code; under this
26 condition the court may allow a defendant who is not

1 self-employed to operate a vehicle owned by the
2 defendant's employer that is not equipped with an ignition
3 interlock device in the course and scope of the
4 defendant's employment; and

5 (18) if placed on supervision for a sex offense as
6 defined in subsection (a-5) of Section 3-1-2 of this Code,
7 unless the offender is a parent or guardian of the person
8 under 18 years of age present in the home and no
9 non-familial minors are present, not participate in a
10 holiday event involving children under 18 years of age,
11 such as distributing candy or other items to children on
12 Halloween, wearing a Santa Claus costume on or preceding
13 Christmas, being employed as a department store Santa
14 Claus, or wearing an Easter Bunny costume on or preceding
15 Easter.

16 (c-5) If payment of restitution as ordered has not been
17 made, the victim shall file a petition notifying the
18 sentencing court, any other person to whom restitution is
19 owed, and the State's Attorney of the status of the ordered
20 restitution payments unpaid at least 90 days before the
21 supervision expiration date. If payment as ordered has not
22 been made, the court shall hold a review hearing prior to the
23 expiration date, unless the hearing is voluntarily waived by
24 the defendant with the knowledge that waiver may result in an
25 extension of the supervision period or in a revocation of
26 supervision. If the court does not extend supervision, it

1 shall issue a judgment for the unpaid restitution and direct
2 the clerk of the circuit court to file and enter the judgment
3 in the judgment and lien docket, without fee, unless it finds
4 that the victim has recovered a judgment against the defendant
5 for the amount covered by the restitution order. If the court
6 issues a judgment for the unpaid restitution, the court shall
7 send to the defendant at his or her last known address written
8 notification that a civil judgment has been issued for the
9 unpaid restitution.

10 (d) The court shall defer entering any judgment on the
11 charges until the conclusion of the supervision.

12 (e) At the conclusion of the period of supervision, if the
13 court determines that the defendant has successfully complied
14 with all of the conditions of supervision, the court shall
15 discharge the defendant and enter a judgment dismissing the
16 charges.

17 (f) Discharge and dismissal upon a successful conclusion
18 of a disposition of supervision shall be deemed without
19 adjudication of guilt and shall not be termed a conviction for
20 purposes of disqualification or disabilities imposed by law
21 upon conviction of a crime. Two years after the discharge and
22 dismissal under this Section, unless the disposition of
23 supervision was for a violation of Sections 3-707, 3-708,
24 3-710, 5-401.3, or 11-503 of the Illinois Vehicle Code or a
25 similar provision of a local ordinance, or for a violation of
26 Sections 12-3.2, 16-25, or 16A-3 of the Criminal Code of 1961

1 or the Criminal Code of 2012, in which case it shall be 5 years
2 after discharge and dismissal, a person may have his record of
3 arrest sealed or expunged as may be provided by law. However,
4 any defendant placed on supervision before January 1, 1980,
5 may move for sealing or expungement of his arrest record, as
6 provided by law, at any time after discharge and dismissal
7 under this Section. A person placed on supervision for a
8 sexual offense committed against a minor as defined in clause
9 (a) (1) (L) of Section 5.2 of the Criminal Identification Act or
10 for a violation of Section 11-501 of the Illinois Vehicle Code
11 or a similar provision of a local ordinance shall not have his
12 or her record of arrest sealed or expunged.

13 (g) A defendant placed on supervision and who during the
14 period of supervision undergoes mandatory drug or alcohol
15 testing, or both, or is assigned to be placed on an approved
16 electronic monitoring device, shall be ordered to pay the
17 costs incidental to such mandatory drug or alcohol testing, or
18 both, and costs incidental to such approved electronic
19 monitoring in accordance with the defendant's ability to pay
20 those costs. The county board with the concurrence of the
21 Chief Judge of the judicial circuit in which the county is
22 located shall establish reasonable fees for the cost of
23 maintenance, testing, and incidental expenses related to the
24 mandatory drug or alcohol testing, or both, and all costs
25 incidental to approved electronic monitoring, of all
26 defendants placed on supervision. The concurrence of the Chief

1 Judge shall be in the form of an administrative order. The fees
2 shall be collected by the clerk of the circuit court, except as
3 provided in an administrative order of the Chief Judge of the
4 circuit court. The clerk of the circuit court shall pay all
5 moneys collected from these fees to the county treasurer who
6 shall use the moneys collected to defray the costs of drug
7 testing, alcohol testing, and electronic monitoring. The
8 county treasurer shall deposit the fees collected in the
9 county working cash fund under Section 6-27001 or Section
10 6-29002 of the Counties Code, as the case may be.

11 The Chief Judge of the circuit court of the county may by
12 administrative order establish a program for electronic
13 monitoring of offenders, in which a vendor supplies and
14 monitors the operation of the electronic monitoring device,
15 and collects the fees on behalf of the county. The program
16 shall include provisions for indigent offenders and the
17 collection of unpaid fees. The program shall not unduly burden
18 the offender and shall be subject to review by the Chief Judge.

19 The Chief Judge of the circuit court may suspend any
20 additional charges or fees for late payment, interest, or
21 damage to any device.

22 (h) A disposition of supervision is a final order for the
23 purposes of appeal.

24 (i) The court shall impose upon a defendant placed on
25 supervision after January 1, 1992 or to community service
26 under the supervision of a probation or court services

1 department after January 1, 2004, as a condition of
2 supervision or supervised community service, a fee of \$50 for
3 each month of supervision or supervised community service
4 ordered by the court, unless after determining the inability
5 of the person placed on supervision or supervised community
6 service to pay the fee, the court assesses a lesser fee. The
7 court may not impose the fee on a minor who is placed in the
8 guardianship or custody of the Department of Children and
9 Family Services under the Juvenile Court Act of 1987 while the
10 minor is in placement. The fee shall be imposed only upon a
11 defendant who is actively supervised by the probation and
12 court services department. The fee shall be collected by the
13 clerk of the circuit court. The clerk of the circuit court
14 shall pay all monies collected from this fee to the county
15 treasurer for deposit in the probation and court services fund
16 pursuant to Section 15.1 of the Probation and Probation
17 Officers Act.

18 A circuit court may not impose a probation fee in excess of
19 \$25 per month unless the circuit court has adopted, by
20 administrative order issued by the chief judge, a standard
21 probation fee guide determining an offender's ability to pay.
22 Of the amount collected as a probation fee, not to exceed \$5 of
23 that fee collected per month may be used to provide services to
24 crime victims and their families.

25 The Court may only waive probation fees based on an
26 offender's ability to pay. The probation department may

1 re-evaluate an offender's ability to pay every 6 months, and,
2 with the approval of the Director of Court Services or the
3 Chief Probation Officer, adjust the monthly fee amount. An
4 offender may elect to pay probation fees due in a lump sum. Any
5 offender that has been assigned to the supervision of a
6 probation department, or has been transferred either under
7 subsection (h) of this Section or under any interstate
8 compact, shall be required to pay probation fees to the
9 department supervising the offender, based on the offender's
10 ability to pay.

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

18 (k) A defendant at least 17 years of age who is placed on
19 supervision for a misdemeanor in a county of 3,000,000 or more
20 inhabitants and who has not been previously convicted of a
21 misdemeanor or felony may as a condition of his or her
22 supervision be required by the court to attend educational
23 courses designed to prepare the defendant for a high school
24 diploma and to work toward a high school diploma or to work
25 toward passing high school equivalency testing or to work
26 toward completing a vocational training program approved by

1 the court. The defendant placed on supervision must attend a
2 public institution of education to obtain the educational or
3 vocational training required by this subsection (k). The
4 defendant placed on supervision shall be required to pay for
5 the cost of the educational courses or high school equivalency
6 testing if a fee is charged for those courses or testing. The
7 court shall revoke the supervision of a person who wilfully
8 fails to comply with this subsection (k). The court shall
9 resentence the defendant upon revocation of supervision as
10 provided in Section 5-6-4. This subsection (k) does not apply
11 to a defendant who has a high school diploma or has
12 successfully passed high school equivalency testing. This
13 subsection (k) does not apply to a defendant who is determined
14 by the court to be a person with a developmental disability or
15 otherwise mentally incapable of completing the educational or
16 vocational program.

17 (1) The court shall require a defendant placed on
18 supervision for possession of a substance prohibited by the
19 Cannabis Control Act, the Illinois Controlled Substances Act,
20 or the Methamphetamine Control and Community Protection Act
21 after a previous conviction or disposition of supervision for
22 possession of a substance prohibited by the Cannabis Control
23 Act, the Illinois Controlled Substances Act, or the
24 Methamphetamine Control and Community Protection Act or a
25 sentence of probation under Section 10 of the Cannabis Control
26 Act or Section 410 of the Illinois Controlled Substances Act

1 and after a finding by the court that the person is addicted,
2 to undergo treatment at a substance abuse program approved by
3 the court.

4 (m) The Secretary of State shall require anyone placed on
5 court supervision for a violation of Section 3-707 of the
6 Illinois Vehicle Code or a similar provision of a local
7 ordinance to give proof of his or her financial responsibility
8 as defined in Section 7-315 of the Illinois Vehicle Code. The
9 proof shall be maintained by the individual in a manner
10 satisfactory to the Secretary of State for a minimum period of
11 3 years after the date the proof is first filed. The proof
12 shall be limited to a single action per arrest and may not be
13 affected by any post-sentence disposition. The Secretary of
14 State shall suspend the driver's license of any person
15 determined by the Secretary to be in violation of this
16 subsection. This subsection does not apply to a person who, at
17 the time of the offense, was operating a motor vehicle
18 registered in a state other than Illinois.

19 (n) Any offender placed on supervision for any offense
20 that the court or probation department has determined to be
21 sexually motivated as defined in the Sex Offender Management
22 Board Act shall be required to refrain from any contact,
23 directly or indirectly, with any persons specified by the
24 court and shall be available for all evaluations and treatment
25 programs required by the court or the probation department.

26 (o) An offender placed on supervision for a sex offense as

1 defined in the Sex Offender Management Board Act shall refrain
2 from residing at the same address or in the same condominium
3 unit or apartment unit or in the same condominium complex or
4 apartment complex with another person he or she knows or
5 reasonably should know is a convicted sex offender or has been
6 placed on supervision for a sex offense. The provisions of
7 this subsection (o) do not apply to a person convicted of a sex
8 offense who is placed in a Department of Corrections licensed
9 transitional housing facility for sex offenders.

10 (p) An offender placed on supervision for an offense
11 committed on or after June 1, 2008 (the effective date of
12 Public Act 95-464) that would qualify the accused as a child
13 sex offender as defined in Section 11-9.3 or 11-9.4 of the
14 Criminal Code of 1961 or the Criminal Code of 2012 shall
15 refrain from communicating with or contacting, by means of the
16 Internet, a person who is not related to the accused and whom
17 the accused reasonably believes to be under 18 years of age.
18 For purposes of this subsection (p), "Internet" has the
19 meaning ascribed to it in Section 16-0.1 of the Criminal Code
20 of 2012; and a person is not related to the accused if the
21 person is not: (i) the spouse, brother, or sister of the
22 accused; (ii) a descendant of the accused; (iii) a first or
23 second cousin of the accused; or (iv) a step-child or adopted
24 child of the accused.

25 (q) An offender placed on supervision for an offense
26 committed on or after June 1, 2008 (the effective date of

1 Public Act 95-464) that would qualify the accused as a child
2 sex offender as defined in Section 11-9.3 or 11-9.4 of the
3 Criminal Code of 1961 or the Criminal Code of 2012 shall, if so
4 ordered by the court, refrain from communicating with or
5 contacting, by means of the Internet, a person who is related
6 to the accused and whom the accused reasonably believes to be
7 under 18 years of age. For purposes of this subsection (q),
8 "Internet" has the meaning ascribed to it in Section 16-0.1 of
9 the Criminal Code of 2012; and a person is related to the
10 accused if the person is: (i) the spouse, brother, or sister of
11 the accused; (ii) a descendant of the accused; (iii) a first or
12 second cousin of the accused; or (iv) a step-child or adopted
13 child of the accused.

14 (r) An offender placed on supervision for an offense under
15 Section 11-6, 11-9.1, 11-14.4 that involves soliciting for a
16 juvenile prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or
17 11-21 of the Criminal Code of 1961 or the Criminal Code of
18 2012, or any attempt to commit any of these offenses,
19 committed on or after June 1, 2009 (the effective date of
20 Public Act 95-983) shall:

21 (i) not access or use a computer or any other device
22 with Internet capability without the prior written
23 approval of the court, except in connection with the
24 offender's employment or search for employment with the
25 prior approval of the court;

26 (ii) submit to periodic unannounced examinations of

1 the offender's computer or any other device with Internet
2 capability by the offender's probation officer, a law
3 enforcement officer, or assigned computer or information
4 technology specialist, including the retrieval and copying
5 of all data from the computer or device and any internal or
6 external peripherals and removal of such information,
7 equipment, or device to conduct a more thorough
8 inspection;

9 (iii) submit to the installation on the offender's
10 computer or device with Internet capability, at the
11 offender's expense, of one or more hardware or software
12 systems to monitor the Internet use; and

13 (iv) submit to any other appropriate restrictions
14 concerning the offender's use of or access to a computer
15 or any other device with Internet capability imposed by
16 the court.

17 (s) An offender placed on supervision for an offense that
18 is a sex offense as defined in Section 2 of the Sex Offender
19 Registration Act that is committed on or after January 1, 2010
20 (the effective date of Public Act 96-362) that requires the
21 person to register as a sex offender under that Act, may not
22 knowingly use any computer scrub software on any computer that
23 the sex offender uses.

24 (t) An offender placed on supervision for a sex offense as
25 defined in the Sex Offender Registration Act committed on or
26 after January 1, 2010 (the effective date of Public Act

1 96-262) shall refrain from accessing or using a social
2 networking website as defined in Section 17-0.5 of the
3 Criminal Code of 2012.

4 (u) Jurisdiction over an offender may be transferred from
5 the sentencing court to the court of another circuit with the
6 concurrence of both courts. Further transfers or retransfers
7 of jurisdiction are also authorized in the same manner. The
8 court to which jurisdiction has been transferred shall have
9 the same powers as the sentencing court. The probation
10 department within the circuit to which jurisdiction has been
11 transferred may impose probation fees upon receiving the
12 transferred offender, as provided in subsection (i). The
13 probation department from the original sentencing court shall
14 retain all probation fees collected prior to the transfer.

15 (Source: P.A. 99-78, eff. 7-20-15; 99-143, eff. 7-27-15;
16 99-642, eff. 7-28-16; 99-797, eff. 8-12-16; 100-159, eff.
17 8-18-17; 100-201, eff. 8-18-17; 100-987, eff. 7-1-19.)

18 Section 95. No acceleration or delay. Where this Act makes
19 changes in a statute that is represented in this Act by text
20 that is not yet or no longer in effect (for example, a Section
21 represented by multiple versions), the use of that text does
22 not accelerate or delay the taking effect of (i) the changes
23 made by this Act or (ii) provisions derived from any other
24 Public Act.

25 Section 999. Effective date. This Act takes effect upon

1 becoming law.