



Rep. Paul D. Froehlich

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LRB093 15459 DRH 49254 a

1 AMENDMENT TO HOUSE BILL 6220

2 AMENDMENT NO. _____. Amend House Bill 6220 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing Sections 6-113, 6-118, 6-203.1, 6-206, 6-206.1,
6 6-208.1, 6-303, 11-500, 11-501 and adding Section 11-501.9 as
7 follows:

8 (625 ILCS 5/6-113) (from Ch. 95 1/2, par. 6-113)

9 Sec. 6-113. Restricted licenses and permits.

10 (a) The Secretary of State upon issuing a drivers license
11 or permit shall have the authority whenever good cause appears
12 to impose restrictions suitable to the licensee's driving
13 ability with respect to the type of, or special mechanical
14 control devices required on, a motor vehicle which the licensee
15 may operate or such other restrictions applicable to the
16 licensee as the Secretary of State may determine to be
17 appropriate to assure the safe operation of a motor vehicle by
18 the licensee.

19 (b) The Secretary of State may either issue a special
20 restricted license or permit or may set forth such restrictions
21 upon the usual license or permit form.

22 (c) The Secretary of State may issue a probationary license
23 to a person whose driving privileges have been suspended
24 pursuant to subsection (d) of this Section or subsections

1 (a) (2), (a) (19) and (a) (20) of Section 6-206 of this Code. The
2 Secretary of State shall promulgate rules pursuant to The
3 Illinois Administrative Procedure Act, setting forth the
4 conditions and criteria for the issuance and cancellation of
5 probationary licenses.

6 (d) The Secretary of State may upon receiving satisfactory
7 evidence of any violation of the restrictions of such license
8 or permit suspend, revoke or cancel the same without
9 preliminary hearing, but the licensee or permittee shall be
10 entitled to a hearing as in the case of a suspension or
11 revocation.

12 (e) It is unlawful for any person to operate a motor
13 vehicle in any manner in violation of the restrictions imposed
14 on a restricted license or permit issued to him.

15 (f) Whenever the holder of a restricted driving permit is
16 issued a citation for any of the following offenses including
17 similar local ordinances, the restricted driving permit is
18 immediately invalidated:

19 1. Reckless homicide resulting from the operation of a
20 motor vehicle;

21 2. Violation of Section 11-501 of this Act relating to
22 the operation of a motor vehicle while under the influence
23 of intoxicating liquor or narcotic drugs;

24 3. Violation of Section 11-401 of this Act relating to
25 the offense of leaving the scene of a traffic accident
26 involving death or injury; or

27 4. Violation of Section 11-504 of this Act relating to
28 the offense of drag racing;

29 The police officer issuing the citation shall confiscate
30 the restricted driving permit and forward it, along with the
31 citation, to the Clerk of the Circuit Court of the county in
32 which the citation was issued.

33 (g) The Secretary of State may issue a special restricted
34 license for a period of 12 months to individuals using vision

1 aid arrangements other than standard eyeglasses or contact
2 lenses, allowing the operation of a motor vehicle during
3 nighttime hours. The Secretary of State shall adopt rules
4 defining the terms and conditions by which the individual may
5 obtain and renew this special restricted license. At a minimum,
6 all drivers must meet the following requirements:

7 1. Possess a valid driver's license and have operated a
8 motor vehicle during daylight hours for a period of 12
9 months using vision aid arrangements other than standard
10 eyeglasses or contact lenses.

11 2. Have a driving record that does not include any
12 traffic accidents that occurred during nighttime hours,
13 for which the driver has been found to be at fault, during
14 the 12 months before he or she applied for the special
15 restricted license.

16 3. Successfully complete a road test administered
17 during nighttime hours.

18 At a minimum, all drivers renewing this license must meet
19 the following requirements:

20 1. Successfully complete a road test administered
21 during nighttime hours.

22 2. Have a driving record that does not include any
23 traffic accidents that occurred during nighttime hours,
24 for which the driver has been found to be at fault, during
25 the 12 months before he or she applied for the special
26 restricted license.

27 (h) Any driver issued a special restricted license as
28 defined in subsection (g) whose privilege to drive during
29 nighttime hours has been suspended due to an accident occurring
30 during nighttime hours may request a hearing as provided in
31 Section 2-118 of this Code to contest that suspension. If it is
32 determined that the accident for which the driver was at fault
33 was not influenced by the driver's use of vision aid
34 arrangements other than standard eyeglasses or contact lenses,

1 the Secretary may reinstate that driver's privilege to drive
2 during nighttime hours.

3 (i) Notwithstanding the provisions of Sections 6-208,
4 6-208.1, and 6-208.2, the Secretary of State may, 30 days after
5 the effective date of a suspension pursuant to Section 6-208,
6 6-208.1, or 6-208.2 and in accordance with any rules the
7 Secretary may promulgate, issue a restricted driving permit to
8 a person who has applied for a restricted driver's permit and
9 who has consented to have, at his or her expense, an ignition
10 interlock device installed in his or her vehicle.

11 (Source: P.A. 92-274, eff. 1-1-02.)

12 (625 ILCS 5/6-118) (from Ch. 95 1/2, par. 6-118)
13 Sec. 6-118. Fees.

14 (a) The fee for licenses and permits under this Article is
15 as follows:

16	Original driver's license	\$10
17	Original or renewal driver's license	
18	issued to 18, 19 and 20 year olds	5
19	All driver's licenses for persons	
20	age 69 through age 80	5
21	All driver's licenses for persons	
22	age 81 through age 86	2
23	All driver's licenses for persons	
24	age 87 or older	0
25	Renewal driver's license (except for	
26	applicants ages 18, 19 and 20 or	
27	age 69 and older)	10
28	Original instruction permit issued to	
29	persons (except those age 69 and older)	
30	who do not hold or have not previously	
31	held an Illinois instruction permit or	
32	driver's license	20
33	Instruction permit issued to any person	

1 holding an Illinois driver's license
2 who wishes a change in classifications,
3 other than at the time of renewal 5
4 Any instruction permit issued to a person
5 age 69 and older 5
6 Instruction permit issued to any person,
7 under age 69, not currently holding a
8 valid Illinois driver's license or
9 instruction permit but who has
10 previously been issued either document
11 in Illinois10
12 Restricted driving permit 8
13 Duplicate or corrected driver's license
14 or permit 5
15 Duplicate or corrected restricted
16 driving permit 5
17 Original or renewal M or L endorsement..... 5

18 SPECIAL FEES FOR COMMERCIAL DRIVER'S LICENSE

19 The fees for commercial driver licenses and permits
20 under Article V shall be as follows:

- 21 Commercial driver's license:
22 \$6 for the CDLIS/AAMVAnet Fund
23 (Commercial Driver's License Information
24 System/American Association of Motor Vehicle
25 Administratorsnetwork Trust Fund);
26 \$20 for the Motor Carrier Safety Inspection Fund;
27 \$10 for the driver's license;
28 and \$24 for the CDL: \$60

- 29 Renewal commercial driver's license:
30 \$6 for the CDLIS/AAMVAnet Trust Fund;
31 \$20 for the Motor Carrier Safety Inspection Fund;
32 \$10 for the driver's license; and
33 \$24 for the CDL: \$60

34 Commercial driver instruction permit

1 issued to any person holding a valid
 2 Illinois driver's license for the
 3 purpose of changing to a
 4 CDL classification: \$6 for the
 5 CDLIS/AAMVAnet Trust Fund;
 6 \$20 for the Motor Carrier
 7 Safety Inspection Fund; and
 8 \$24 for the CDL classification \$50

9 Commercial driver instruction permit
 10 issued to any person holding a valid
 11 Illinois CDL for the purpose of
 12 making a change in a classification,
 13 endorsement or restriction\$5

14 CDL duplicate or corrected license\$5

15 In order to ensure the proper implementation of the Uniform
 16 Commercial Driver License Act, Article V of this Chapter, the
 17 Secretary of State is empowered to pro-rate the \$24 fee for the
 18 commercial driver's license proportionate to the expiration
 19 date of the applicant's Illinois driver's license.

20 The fee for any duplicate license or permit shall be waived
 21 for any person age 60 or older who presents the Secretary of
 22 State's office with a police report showing that his license or
 23 permit was stolen.

24 No additional fee shall be charged for a driver's license,
 25 or for a commercial driver's license, when issued to the holder
 26 of an instruction permit for the same classification or type of
 27 license who becomes eligible for such license.

28 (b) Any person whose license or privilege to operate a
 29 motor vehicle in this State has been suspended or revoked under
 30 any provision of Chapter 6, Chapter 11, or Section 7-205,
 31 7-303, or 7-702 of the Family Financial Responsibility Law of
 32 this Code, shall in addition to any other fees required by this
 33 Code, pay a reinstatement fee as follows:

34 Summary suspension under Section 11-501.1 ...\$250 Other

1 suspension \$70
 2 Revocation\$500

3 However, any person whose license or privilege to operate a
 4 motor vehicle in this State has been suspended or revoked for a
 5 second or subsequent time for a violation of Section 11-501 ~~or~~
 6 ~~11-501.1~~ of this Code or a similar provision of a local
 7 ordinance, a violation of ~~or a similar out of state offense or~~
 8 Section 9-3 of the Criminal Code of 1961, or a failure to
 9 submit to a chemical test or tests of blood, breath, or urine
 10 pursuant to Section 11-501.1 or to a preliminary breath
 11 screening test or a field sobriety test or tests pursuant to
 12 Section 11-501.9 of this Code and each suspension or revocation
 13 was for a violation of Section 11-501 or 11-501.1 of this Code
 14 or a similar provision of a local ordinance, a violation of ~~or~~
 15 a similar out-of-state offense or Section 9-3 of the Criminal
 16 Code of 1961, a violation of any out-of-state offense similar
 17 to any of the offenses listed in this subsection (b), or a
 18 failure to submit to a chemical test or tests of blood, breath,
 19 or urine pursuant to Section 11-501.1 or to a preliminary
 20 breath screening test or a field sobriety test or tests
 21 pursuant to Section 11-501.9 of this Code or similar provisions
 22 of an out-of-state jurisdiction shall pay, in addition to any
 23 other fees required by this Code, a reinstatement fee as
 24 follows:

25 Summary suspension under Section 11-501.1 or 11-501.9 \$500
 26 Revocation\$500

27 (c) All fees collected under the provisions of this Chapter
 28 6 shall be paid into the Road Fund in the State Treasury except
 29 as follows:

30 1. The following amounts shall be paid into the Driver
 31 Education Fund:

32 (A) \$16 of the \$20 fee for an original driver's
 33 instruction permit;

34 (B) \$5 of the \$20 fee for an original driver's

1 license;

2 (C) \$5 of the \$20 fee for a 4 year renewal driver's
3 license; and

4 (D) \$4 of the \$8 fee for a restricted driving
5 permit.

6 2. \$30 of the \$250 fee for reinstatement of a license
7 summarily suspended under Section 11-501.1 or 11-501.9
8 shall be deposited into the Drunk and Drugged Driving
9 Prevention Fund. However, for a person whose license or
10 privilege to operate a motor vehicle in this State has been
11 suspended or revoked for a second or subsequent time for a
12 violation of Section 11-501 ~~or 11-501.1~~ of this Code or a
13 similar provision of a local ordinance, a violation of or
14 Section 9-3 of the Criminal Code of 1961, a violation of
15 any out-of-state offense similar to any of the offenses
16 listed in this paragraph (2) of subsection (c), or a
17 failure to submit to a chemical test or tests of blood,
18 breath, or urine pursuant to Section 11-501.1 or to a
19 preliminary breath screening test or a field sobriety test
20 or tests pursuant to Section 11-501.9 of this Code or
21 similar provisions of an out-of-state jurisdiction, \$190
22 of the \$500 fee for reinstatement of a license summarily
23 suspended under Section 11-501.1 or 11-501.9, and \$190 of
24 the \$500 fee for reinstatement of a revoked license shall
25 be deposited into the Drunk and Drugged Driving Prevention
26 Fund.

27 3. \$6 of such original or renewal fee for a commercial
28 driver's license and \$6 of the commercial driver
29 instruction permit fee when such permit is issued to any
30 person holding a valid Illinois driver's license, shall be
31 paid into the CDLIS/AAMVAnet Trust Fund.

32 4. \$30 of the \$70 fee for reinstatement of a license
33 suspended under the Family Financial Responsibility Law
34 shall be paid into the Family Responsibility Fund.

1 5. The \$5 fee for each original or renewal M or L
2 endorsement shall be deposited into the Cycle Rider Safety
3 Training Fund.

4 6. \$20 of any original or renewal fee for a commercial
5 driver's license or commercial driver instruction permit
6 shall be paid into the Motor Carrier Safety Inspection
7 Fund.

8 7. The following amounts shall be paid into the General
9 Revenue Fund:

10 (A) \$190 of the \$250 reinstatement fee for a
11 summary suspension under Section 11-501.1;

12 (B) \$40 of the \$70 reinstatement fee for any other
13 suspension provided in subsection (b) of this Section;
14 and

15 (C) \$440 of the \$500 reinstatement fee for a first
16 offense revocation and \$310 of the \$500 reinstatement
17 fee for a second or subsequent revocation.

18 (Source: P.A. 92-458, eff. 8-22-01; 93-32, eff. 1-1-04.)

19 (625 ILCS 5/6-203.1) (from Ch. 95 1/2, par. 6-203.1)

20 Sec. 6-203.1. (a) The Secretary of State is authorized to
21 suspend the driving privileges of a person ~~persons~~:

22 (1) arrested in another state for driving under the
23 influence of alcohol, other drug or drugs, or intoxicating
24 compound or compounds, or any combination thereof, or a
25 similar provision, and who has refused to submit to a
26 chemical test or tests, ~~or to a preliminary breath~~
27 screening test or a field sobriety test or tests under the
28 provisions of implied consent, or ~~or~~.

29 (2) requested to submit to a preliminary breath
30 screening test or a field sobriety test or tests in another
31 state under provisions of implied consent and who has
32 refused to submit to the test or tests.

33 (b) When a driving privilege has been suspended for a

1 refusal as provided in paragraph (a) and the person is
2 subsequently convicted of the underlying charge, for the same
3 incident, any period served on suspension shall be credited
4 toward the minimum period of revocation of driving privileges
5 imposed pursuant to Section 6-206.

6 (Source: P.A. 90-779, eff. 1-1-99.)

7 (625 ILCS 5/6-206) (from Ch. 95 1/2, par. 6-206)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 14. Has committed a violation of Section 6-301,
7 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B
8 of the Illinois Identification Card Act;

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

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

15 17. Has refused to submit to a test, or tests, as
16 required under Section 11-501.1 or 11-501.9 of this Code
17 and the person has not sought a hearing as provided for in
18 Section 11-501.1;

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

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

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

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

31 22. Has used a motor vehicle in violating paragraph
32 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
33 the Criminal Code of 1961 relating to unlawful use of
34 weapons, in which case the suspension shall be for one

1 year;

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

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

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

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

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

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

1 guilty of this offense while operating a motor vehicle,
2 shall have an entry made in the court record by the
3 presiding judge that this offense did occur while the
4 defendant was operating a motor vehicle and order the clerk
5 of the court to report the violation to the Secretary of
6 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: criminal
10 sexual assault, predatory criminal sexual assault of a
11 child, aggravated criminal sexual assault, criminal sexual
12 abuse, aggravated criminal sexual abuse, juvenile pimping,
13 soliciting for a juvenile prostitute and the manufacture,
14 sale or delivery of controlled substances or instruments
15 used for illegal drug use or abuse in which case the
16 driver's driving privileges shall be suspended for one
17 year;

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

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

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

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

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

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

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

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

17 37. Has committed a violation of subsection (c) of
18 Section 11-907 of this Code;

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

22 39. Has committed a second or subsequent violation of
23 Section 11-1201 of this Code.

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

31 (b) If any conviction forming the basis of a suspension or
32 revocation authorized under this Section is appealed, the
33 Secretary of State may rescind or withhold the entry of the
34 order of suspension or revocation, as the case may be, provided

1 that a certified copy of a stay order of a court is filed with
2 the Secretary of State. If the conviction is affirmed on
3 appeal, the date of the conviction shall relate back to the
4 time the original judgment of conviction was entered and the 6
5 month limitation prescribed shall not apply.

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

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

1 set forth in the notice that was mailed under this Section.
2 If an affidavit is received subsequent to the effective
3 date of this suspension, a permit may be issued for the
4 remainder of the suspension period.

5 The provisions of this subparagraph shall not apply to
6 any driver required to obtain a commercial driver's license
7 under Section 6-507 during the period of a disqualification
8 of commercial driving privileges under Section 6-514.

9 Any person who falsely states any fact in the affidavit
10 required herein shall be guilty of perjury under Section
11 6-302 and upon conviction thereof shall have all driving
12 privileges revoked without further rights.

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

34 If a person's license or permit has been revoked or

1 suspended due to 2 or more convictions of violating Section
2 11-501 of this Code or a similar provision of a local
3 ordinance or a similar out-of-state offense, arising out of
4 separate occurrences, that person, if issued a restricted
5 driving permit, may not operate a vehicle unless it has
6 been equipped with an ignition interlock device as defined
7 in Section 1-129.1.

8 If a person's license or permit has been revoked or
9 suspended 2 or more times within a 10 year period due to a
10 single conviction of violating Section 11-501 of this Code
11 or a similar provision of a local ordinance or a similar
12 out-of-state offense, and a statutory summary suspension
13 under Section 11-501.1, or 2 or more statutory summary
14 suspensions, or combination of 2 offenses, or of an offense
15 and a statutory summary suspension, arising out of separate
16 occurrences, that person, if issued a restricted driving
17 permit, may not operate a vehicle unless it has been
18 equipped with an ignition interlock device as defined in
19 Section 1-129.1. The person must pay to the Secretary of
20 State DUI Administration Fund an amount not to exceed \$20
21 per month. The Secretary shall establish by rule the amount
22 and the procedures, terms, and conditions relating to these
23 fees. If the restricted driving permit was issued for
24 employment purposes, then this provision does not apply to
25 the operation of an occupational vehicle owned or leased by
26 that person's employer. In each case the Secretary may
27 issue a restricted driving permit for a period deemed
28 appropriate, except that all permits shall expire within
29 one year from the date of issuance. The Secretary may not,
30 however, issue a restricted driving permit to any person
31 whose current revocation is the result of a second or
32 subsequent conviction for a violation of Section 11-501 of
33 this Code or a similar provision of a local ordinance
34 relating to the offense of operating or being in physical

1 control of a motor vehicle while under the influence of
2 alcohol, other drug or drugs, intoxicating compound or
3 compounds, or any similar out-of-state offense, or any
4 combination of those offenses, until the expiration of at
5 least one year from the date of the revocation. A
6 restricted driving permit issued under this Section shall
7 be subject to cancellation, revocation, and suspension by
8 the Secretary of State in like manner and for like cause as
9 a driver's license issued under this Code may be cancelled,
10 revoked, or suspended; except that a conviction upon one or
11 more offenses against laws or ordinances regulating the
12 movement of traffic shall be deemed sufficient cause for
13 the revocation, suspension, or cancellation of a
14 restricted driving permit. The Secretary of State may, as a
15 condition to the issuance of a restricted driving permit,
16 require the applicant to participate in a designated driver
17 remedial or rehabilitative program. The Secretary of State
18 is authorized to cancel a restricted driving permit if the
19 permit holder does not successfully complete the program.

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

27 (d) This Section is subject to the provisions of the
28 Drivers License Compact.

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

33 (Source: P.A. 92-283, eff. 1-1-02; 92-418, eff. 8-17-01;
34 92-458, eff. 8-22-01; 92-651, eff. 7-11-02; 92-804, eff.

1 1-1-03; 92-814, eff. 1-1-03; 93-120, eff. 1-1-04.)

2 (625 ILCS 5/6-206.1) (from Ch. 95 1/2, par. 6-206.1)

3 Sec. 6-206.1. Judicial Driving Permit. Declaration of
4 Policy. It is hereby declared a policy of the State of Illinois
5 that the driver who is impaired by alcohol, other drug or
6 drugs, or intoxicating compound or compounds is a threat to the
7 public safety and welfare. Therefore, to provide a deterrent to
8 such practice and to remove problem drivers from the highway, a
9 statutory summary driver's license suspension is appropriate.
10 It is also recognized that driving is a privilege and
11 therefore, that in some cases the granting of limited driving
12 privileges, where consistent with public safety, is warranted
13 during the period of suspension in the form of a judicial
14 driving permit to drive for the purpose of employment,
15 receiving drug treatment or medical care, and educational
16 pursuits, where no alternative means of transportation is
17 available.

18 The following procedures shall apply whenever a first
19 offender is arrested for any offense as defined in Section
20 11-501 or a similar provision of a local ordinance:

21 (a) Subsequent to a notification of a statutory summary
22 suspension of driving privileges as provided in Section
23 11-501.1, the first offender as defined in Section 11-500 may
24 petition the circuit court of venue for a Judicial Driving
25 Permit, hereinafter referred as a JDP, to relieve undue
26 hardship. The court may issue a court order, pursuant to the
27 criteria contained in this Section, directing the Secretary of
28 State to issue such a JDP to the petitioner. Except as provided
29 in subsection (f-1) of Section 6-208.1, a JDP shall not become
30 effective prior to the 31st day of the original statutory
31 summary suspension. A JDP ~~and~~ shall always be subject to the
32 following criteria:

33 1. If ordered for the purposes of employment, the JDP

1 shall be only for the purpose of providing the petitioner
2 the privilege of driving a motor vehicle between the
3 petitioner's residence and the petitioner's place of
4 employment and return; or within the scope of the
5 petitioner's employment related duties, shall be effective
6 only during and limited to those specific times and routes
7 actually required to commute or perform the petitioner's
8 employment related duties.

9 2. The court, by a court order, may also direct the
10 Secretary of State to issue a JDP to allow transportation
11 for the petitioner, or a household member of the
12 petitioner's family, to receive alcohol, drug, or
13 intoxicating compound treatment or medical care, if the
14 petitioner is able to demonstrate that no alternative means
15 of transportation is reasonably available. Such JDP shall
16 be effective only during the specific times actually
17 required to commute.

18 3. The court, by a court order, may also direct the
19 Secretary of State to issue a JDP to allow transportation
20 by the petitioner for educational purposes upon
21 demonstrating that there are no alternative means of
22 transportation reasonably available to accomplish those
23 educational purposes. Such JDP shall be only for the
24 purpose of providing transportation to and from the
25 petitioner's residence and the petitioner's place of
26 educational activity, and only during the specific times
27 and routes actually required to commute or perform the
28 petitioner's educational requirement.

29 4. The Court shall not issue an order granting a JDP
30 to:

31 (i) Any person unless and until the court, after
32 considering the results of a current professional
33 evaluation of the person's alcohol or other drug use by
34 an agency pursuant to Section 15-10 of the Alcoholism

1 and Other Drug Abuse and Dependency Act and other
2 appropriate investigation of the person, is satisfied
3 that granting the privilege of driving a motor vehicle
4 on the highways will not endanger the public safety or
5 welfare.

6 (ii) Any person who has been convicted of reckless
7 homicide within the previous 5 years.

8 (iii) Any person whose privilege to operate a motor
9 vehicle was invalid at the time of arrest for the
10 current violation of Section 11-501, or a similar
11 provision of a local ordinance, except in cases where
12 the cause for a driver's license suspension has been
13 removed at the time a JDP is effective. In any case,
14 should the Secretary of State enter a suspension or
15 revocation of driving privileges pursuant to the
16 provisions of this Code while the JDP is in effect or
17 pending, the Secretary shall take the prescribed
18 action and provide a notice to the person and the court
19 ordering the issuance of the JDP that all driving
20 privileges, including those provided by the issuance
21 of the JDP, have been withdrawn.

22 (iv) Any person under the age of 18 years.

23 (b) Prior to ordering the issuance of a JDP the Court
24 should consider at least, but not be limited to, the following
25 issues:

26 1. Whether the person is employed and no other means of
27 commuting to the place of employment is available or that
28 the person must drive as a condition of employment. The
29 employer shall certify the hours of employment and the need
30 and parameters necessary for driving as a condition to
31 employment.

32 2. Whether the person must drive to secure alcohol or
33 other medical treatment for himself or a family member.

34 3. Whether the person must drive for educational

1 purposes. The educational institution shall certify the
2 person's enrollment in and academic schedule at the
3 institution.

4 4. Whether the person has been repeatedly convicted of
5 traffic violations or involved in motor vehicle accidents
6 to a degree which indicates disrespect for public safety.

7 5. Whether the person has been convicted of a traffic
8 violation in connection with a traffic accident resulting
9 in the death of any person within the last 5 years.

10 6. Whether the person is likely to obey the limited
11 provisions of the JDP.

12 7. Whether the person has any additional traffic
13 violations pending in any court.

14 For purposes of this Section, programs conducting
15 professional evaluations of a person's alcohol, other drug, or
16 intoxicating compound use must report, to the court of venue,
17 using a form prescribed by the Secretary of State. A copy of
18 such evaluations shall be sent to the Secretary of State by the
19 court. However, the evaluation information shall be privileged
20 and only available to courts and to the Secretary of State, but
21 shall not be admissible in the subsequent trial on the
22 underlying charge.

23 (c) The scope of any court order issued for a JDP under
24 this Section shall be limited to the operation of a motor
25 vehicle as provided for in subsection (a) of this Section and
26 shall specify the petitioner's residence, place of employment
27 or location of educational institution, and the scope of job
28 related duties, if relevant. The JDP shall also specify days of
29 the week and specific hours of the day when the petitioner is
30 able to exercise the limited privilege of operating a motor
31 vehicle. If the Petitioner, who has been granted a JDP, is
32 issued a citation for a traffic related offense, including
33 operating a motor vehicle outside the limitations prescribed in
34 the JDP or a violation of Section 6-303, or is convicted of any

1 such an offense during the term of the JDP, the court shall
2 consider cancellation of the limited driving permit. In any
3 case, if the Petitioner commits an offense, as defined in
4 Section 11-501, or a similar provision of a local ordinance, as
5 evidenced by the issuance of a Uniform Traffic Ticket, the JDP
6 shall be forwarded by the court of venue to the court ordering
7 the issuance of the JDP, for cancellation. The court shall
8 notify the Secretary of State of any such cancellation.

9 (d) The Secretary of State shall, upon receiving a court
10 order from the court of venue, issue a JDP to a successful
11 Petitioner under this Section. Such court order form shall also
12 contain a notification, which shall be sent to the Secretary of
13 State, providing the name, driver's license number and legal
14 address of the successful petitioner, and the full and detailed
15 description of the limitations of the JDP. This information
16 shall be available only to the courts, police officers, and the
17 Secretary of State, except during the actual period the JDP is
18 valid, during which time it shall be a public record. The
19 Secretary of State shall design and furnish to the courts an
20 official court order form to be used by the courts when
21 directing the Secretary of State to issue a JDP.

22 Any submitted court order that contains insufficient data
23 or fails to comply with this Code shall not be utilized for JDP
24 issuance or entered to the driver record but shall be returned
25 to the issuing court indicating why the JDP cannot be so
26 entered. A notice of this action shall also be sent to the JDP
27 petitioner by the Secretary of State.

28 (e) The circuit court of venue may conduct the judicial
29 hearing, as provided in Section 2-118.1, and the JDP hearing
30 provided in this Section, concurrently. Such concurrent
31 hearing shall proceed in the court in the same manner as in
32 other civil proceedings.

33 (f) The circuit court of venue may, as a condition of the
34 issuance of a JDP, prohibit the person from operating a motor

1 vehicle not equipped with an ignition interlock device.

2 (Source: P.A. 90-369, eff. 1-1-98; 90-779, eff. 1-1-99; 91-127,
3 eff. 1-1-00.)

4 (625 ILCS 5/6-208.1) (from Ch. 95 1/2, par. 6-208.1)

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

7 (a) Unless the statutory summary suspension has been
8 rescinded, any person whose privilege to drive a motor vehicle
9 on the public highways has been summarily suspended, pursuant
10 to Section 11-501.1 or 11-501.9, shall not be eligible for
11 restoration of the privilege until the expiration of:

12 1. Six months from the effective date of the statutory
13 summary suspension for a refusal or failure to complete a
14 test or tests to determine the alcohol, drug, or
15 intoxicating compound concentration, pursuant to Section
16 11-501.1~~+~~ or for a refusal or failure to complete a
17 preliminary breath screening test or a field sobriety test
18 or tests pursuant to Section 11-501.9; or

19 2. Three months from the effective date of the
20 statutory summary suspension imposed following the
21 person's submission to a chemical test which disclosed an
22 alcohol concentration of 0.08 or more, or any amount of a
23 drug, substance, or intoxicating compound in such person's
24 breath, blood, or urine resulting from the unlawful use or
25 consumption of cannabis listed in the Cannabis Control Act,
26 a controlled substance listed in the Illinois Controlled
27 Substances Act, or an intoxicating compound listed in the
28 Use of Intoxicating Compounds Act, pursuant to Section
29 11-501.1; or

30 3. Three years from the effective date of the statutory
31 summary suspension for any person other than a first
32 offender who refuses or fails to complete a test or tests
33 to determine the alcohol, drug, or intoxicating compound

1 concentration pursuant to Section 11-501.1; or

2 3.1. Two years from the effective date of the statutory
3 summary suspension for any person other than a first
4 offender who refuses or fails to complete a preliminary
5 breath screening test or a field sobriety test or tests
6 pursuant to Section 11-501.9; or

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

17 (b) Following a statutory summary suspension of the
18 privilege to drive a motor vehicle under Section 11-501.1 or
19 11-501.9, full driving privileges shall be restored unless the
20 person is otherwise disqualified by this Code. If the court has
21 reason to believe that the person's driving privilege should
22 not be restored, the court shall notify the Secretary of State
23 prior to the expiration of the statutory summary suspension so
24 appropriate action may be taken pursuant to this Code.

25 (c) Full driving privileges may not be restored until all
26 applicable reinstatement fees, as provided by this Code, have
27 been paid to the Secretary of State and the appropriate entry
28 made to the driver's record.

29 (d) Where a driving privilege has been summarily suspended
30 under Section 11-501.1 or 11-501.9 and the person is
31 subsequently convicted of violating Section 11-501, or a
32 similar provision of a local ordinance, for the same incident,
33 any period served on statutory summary suspension shall be
34 credited toward the minimum period of revocation of driving

1 privileges imposed pursuant to Section 6-205.

2 (e) Following a statutory summary suspension of driving
3 privileges pursuant to Section 11-501.1, for a first offender,
4 the circuit court may, after at least 30 days from the
5 effective date of the statutory summary suspension or as
6 provided in subsection (e-1), issue a judicial driving permit
7 as provided in Section 6-206.1.

8 (e-1) Following a statutory summary suspension of driving
9 privileges under Section 11-501.1 for a first offender, if that
10 person also (i) has never received a disposition of supervision
11 for any offense as defined in Section 11-501 or a similar
12 provision of a local ordinance and (ii) submitted to field
13 sobriety tests under Section 11-501.9 before the statutory
14 summary suspension was imposed under Section 11-501.1, the
15 circuit court may, at any time after the statutory summary
16 suspension has been imposed, issue a judicial driving permit
17 under Section 6-206.1.

18 (f) Subsequent to an arrest of a first offender, for any
19 offense as defined in Section 11-501 or a similar provision of
20 a local ordinance, following a statutory summary suspension of
21 driving privileges pursuant to Section 11-501.1, for a first
22 offender, the circuit court may issue a court order directing
23 the Secretary of State to issue a judicial driving permit as
24 provided in Section 6-206.1. Except as provided in subsection
25 (e-1), however, this JDP shall not be effective prior to the
26 31st day of the statutory summary suspension.

27 (f-1) Following a statutory summary suspension of driving
28 privileges pursuant to Section 11-501.9, for a first offender,
29 the Secretary of State may, after at least 30 days from the
30 effective date of the statutory summary suspension, issue a
31 restricted driving permit as provided in subsection (g) of
32 Section 11-501.9.

33 (g) Following a statutory summary suspension of driving
34 privileges pursuant to Section 11-501.1 where the person was

1 not a first offender, as defined in Section 11-500, or a
2 preliminary breath screening test or a field sobriety test or
3 tests the Secretary of State may not issue a restricted driving
4 permit.

5 (h) (Blank).

6 (i) When a person has refused to submit to or failed to
7 complete a chemical test or tests of blood, breath, or urine
8 pursuant to Section 11-501.1 or to a preliminary breath
9 screening test or a field sobriety test or tests pursuant to
10 Section 11-501.9, the person's driving privileges shall be
11 statutorily suspended under the provisions of both Sections,
12 but the periods of statutory suspension shall run concurrently.

13 (Source: P.A. 91-357, eff. 7-29-99; 92-248, eff. 8-3-01.)

14 (625 ILCS 5/6-303) (from Ch. 95 1/2, par. 6-303)

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

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

28 (b) The Secretary of State upon receiving a report of the
29 conviction of any violation indicating a person was operating a
30 motor vehicle during the time when said person's driver's
31 license, permit or privilege was suspended by the Secretary, by
32 the appropriate authority of another state, or pursuant to
33 Section 11-501.1 or 11-501.9,† except as may be specifically

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

17 (c) Any person convicted of violating this Section shall
18 serve a minimum term of imprisonment of 10 consecutive days or
19 30 days of community service when the person's driving
20 privilege was revoked or suspended as a result of:

21 (1) a violation of Section 11-501 of this Code or a
22 similar provision of a local ordinance relating to the
23 offense of operating or being in physical control of a
24 vehicle while under the influence of alcohol, any other
25 drug or any combination thereof; or

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

30 (3) a violation of Section 9-3 of the Criminal Code of
31 1961, as amended, relating to the offense of reckless
32 homicide; or

33 (4) a statutory summary suspension under Section
34 11-501.1 or 11-501.9 of this Code.

1 Such sentence of imprisonment or community service shall
2 not be subject to suspension in order to reduce such sentence.

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

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

10 (1) Seizure of the license plates of the person's
11 vehicle.

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

14 (d) Any person convicted of a second violation of this
15 Section shall be guilty of a Class 4 felony and shall serve a
16 minimum term of imprisonment of 30 days or 300 hours of
17 community service, as determined by the court, if the
18 revocation or suspension was for a violation of Section 11-401
19 or 11-501 of this Code, or a similar out-of-state offense, or a
20 similar provision of a local ordinance, a violation of Section
21 9-3 of the Criminal Code of 1961, relating to the offense of
22 reckless homicide, or a similar out-of-state offense, or a
23 statutory summary suspension under Section 11-501.1 or
24 11-501.9 of this Code.

25 (d-1) Except as provided in subsection (d-2) and subsection
26 (d-3), any person convicted of a third or subsequent violation
27 of this Section shall serve a minimum term of imprisonment of
28 30 days or 300 hours of community service, as determined by the
29 court.

30 (d-2) Any person convicted of a third violation of this
31 Section is guilty of a Class 4 felony and must serve a minimum
32 term of imprisonment of 30 days if the revocation or suspension
33 was for a violation of Section 11-401 or 11-501 of this Code,
34 or a similar out-of-state offense, or a similar provision of a

1 local ordinance, a violation of Section 9-3 of the Criminal
2 Code of 1961, relating to the offense of reckless homicide, or
3 a similar out-of-state offense, or a statutory summary
4 suspension under Section 11-501.1 of this Code.

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

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

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

27 (g) The motor vehicle used in a violation of this Section
28 is subject to seizure and forfeiture as provided in Sections
29 36-1 and 36-2 of the Criminal Code of 1961 if the person's
30 driving privilege was revoked or suspended as a result of a
31 violation listed in paragraph (1), (2), or (3) of subsection
32 (c) of this Section or as a result of a summary suspension as
33 provided in paragraph (4) of subsection (c) of this Section.

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

1 92-688, eff. 7-16-02.)

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

3 Sec. 11-500. Definitions. For the purposes of interpreting
4 Sections 6-206.1 and 6-208.1 of this Code, "first offender"
5 shall mean: (i) any person who has not had a previous
6 conviction or court assigned supervision for violating Section
7 11-501, or a similar provision of a local ordinance, or a
8 conviction in any other state for a violation of driving while
9 under the influence or a similar offense where the cause of
10 action is the same or substantially similar to this Code, or
11 (ii) any person who has not had a driver's license suspension
12 for violating Section 11-501.1 or 11-501.9 within 5 years prior
13 to the date of the current offense or failure to submit to or
14 complete a chemical test or tests of blood, breath, or urine
15 pursuant to Section 11-501.1 or a preliminary breath screening
16 test or a field sobriety test or tests pursuant to Section
17 11-501.9, except in cases where the driver submitted to
18 chemical testing resulting in an alcohol concentration of 0.08
19 or more, or any amount of a drug, substance, or compound in
20 such person's blood or urine resulting from the unlawful use or
21 consumption of cannabis listed in the Cannabis Control Act, a
22 controlled substance listed in the Illinois Controlled
23 Substances Act, or an intoxicating compound listed in the Use
24 of Intoxicating Compounds Act and was subsequently found not
25 guilty of violating Section 11-501, or a similar provision of a
26 local ordinance.

27 (Source: P.A. 90-43, eff. 7-2-97; 90-779, eff. 1-1-99.)

28 (625 ILCS 5/11-501) (from Ch. 95 1/2, par. 11-501)

29 Sec. 11-501. Driving while under the influence of alcohol,
30 other drug or drugs, intoxicating compound or compounds or any
31 combination thereof.

32 (a) A person shall not drive or be in actual physical

1 control of any vehicle within this State while:

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

5 (2) under the influence of alcohol;

6 (3) under the influence of any intoxicating compound or
7 combination of intoxicating compounds to a degree that
8 renders the person incapable of driving safely;

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

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

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

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

26 (c) Except as provided under paragraphs (c-3), (c-4), and
27 (d) of this Section, every person convicted of violating this
28 Section or a similar provision of a local ordinance, shall be
29 guilty of a Class A misdemeanor and, in addition to any other
30 criminal or administrative action, for any second conviction of
31 violating this Section or a similar provision of a law of
32 another state or local ordinance committed within 5 years of a
33 previous violation of this Section or a similar provision of a
34 local ordinance shall be mandatorily sentenced to a minimum of

1 5 days of imprisonment or assigned to a minimum of 30 days of
2 community service as may be determined by the court. Every
3 person convicted of violating this Section or a similar
4 provision of a local ordinance shall be subject to an
5 additional mandatory minimum fine of \$500 and an additional
6 mandatory 5 days of community service in a program benefiting
7 children if the person committed a violation of paragraph (a)
8 or a similar provision of a local ordinance while transporting
9 a person under age 16. Every person convicted a second time for
10 violating this Section or a similar provision of a local
11 ordinance within 5 years of a previous violation of this
12 Section or a similar provision of a law of another state or
13 local ordinance shall be subject to an additional mandatory
14 minimum fine of \$500 and an additional 10 days of mandatory
15 community service in a program benefiting children if the
16 current offense was committed while transporting a person under
17 age 16. The imprisonment or assignment under this subsection
18 shall not be subject to suspension nor shall the person be
19 eligible for probation in order to reduce the sentence or
20 assignment.

21 (c-1) (1) A person who violates this Section during a
22 period in which his or her driving privileges are revoked
23 or suspended, where the revocation or suspension was for a
24 violation of this Section or a similar provision of a local
25 ordinance, a failure to submit to a chemical test or tests
26 of blood, breath, or urine pursuant to, Section 11-501.1 or
27 a failure to submit to a preliminary breath screening test
28 or a field sobriety test or tests pursuant to Section
29 11-501.9 of this Code, a violation of, paragraph (b) of
30 Section 11-401 of this Code, or a violation of Section 9-3
31 of the Criminal Code of 1961 is guilty of a Class 4 felony.

32 (2) A person who violates this Section a third time
33 during a period in which his or her driving privileges are
34 revoked or suspended where the revocation or suspension was

1 for a violation of this Section, or a similar violation of
2 a local ordinance, a failure to submit to a chemical test
3 or tests of blood, breath, or urine pursuant to Section
4 11-501.1 or a failure to submit to a preliminary breath
5 screening test or a field sobriety test or tests pursuant
6 to Section 11-501.9 of this Code, a violation of, paragraph
7 (b) of Section 11-401 of this Code, or a violation of
8 Section 9-3 of the Criminal Code of 1961 is guilty of a
9 Class 3 felony.

10 (3) A person who violates this Section a fourth or
11 subsequent time during a period in which his or her driving
12 privileges are revoked or suspended where the revocation or
13 suspension was for a violation of this Section or a similar
14 violation of a local ordinance, a failure to submit to a
15 chemical test or tests of blood, breath, or urine pursuant
16 to Section 11-501.1 or a failure to submit to a
17 preliminary breath screening test or a field sobriety test
18 or tests pursuant to Section 11-501.9 of this Code, a
19 violation of, paragraph (b) of Section 11-401 of this Code,
20 ~~or~~ a violation of Section 9-3 of the Criminal Code of 1961
21 is guilty of a Class 2 felony.

22 (c-2) (Blank).

23 (c-3) Every person convicted of violating this Section or a
24 similar provision of a local ordinance who had a child under
25 age 16 in the vehicle at the time of the offense shall have his
26 or her punishment under this Act enhanced by 2 days of
27 imprisonment for a first offense, 10 days of imprisonment for a
28 second offense, 30 days of imprisonment for a third offense,
29 and 90 days of imprisonment for a fourth or subsequent offense,
30 in addition to the fine and community service required under
31 subsection (c) and the possible imprisonment required under
32 subsection (d). The imprisonment or assignment under this
33 subsection shall not be subject to suspension nor shall the
34 person be eligible for probation in order to reduce the

1 sentence or assignment.

2 (c-4) When a person is convicted of violating Section
3 11-501 of this Code or a similar provision of a local
4 ordinance, the following penalties apply when his or her blood,
5 breath, or urine was .16 or more based on the definition of
6 blood, breath, or urine units in Section 11-501.2 or when that
7 person is convicted of violating this Section while
8 transporting a child under the age of 16:

9 (1) A person who is convicted of violating subsection
10 (a) of Section 11-501 of this Code a first time, in
11 addition to any other penalty that may be imposed under
12 subsection (c), is subject to a mandatory minimum of 100
13 hours of community service and a minimum fine of \$500.

14 (2) A person who is convicted of violating subsection
15 (a) of Section 11-501 of this Code a second time within 10
16 years, in addition to any other penalty that may be imposed
17 under subsection (c), is subject to a mandatory minimum of
18 2 days of imprisonment and a minimum fine of \$1,250.

19 (3) A person who is convicted of violating subsection
20 (a) of Section 11-501 of this Code a third time within 20
21 years is guilty of a Class 4 felony and, in addition to any
22 other penalty that may be imposed under subsection (c), is
23 subject to a mandatory minimum of 90 days of imprisonment
24 and a minimum fine of \$2,500.

25 (4) A person who is convicted of violating this
26 subsection (c-4) a fourth or subsequent time is guilty of a
27 Class 2 felony and, in addition to any other penalty that
28 may be imposed under subsection (c), is not eligible for a
29 sentence of probation or conditional discharge and is
30 subject to a minimum fine of \$2,500.

31 (d) (1) Every person convicted of committing a violation of
32 this Section shall be guilty of aggravated driving under
33 the influence of alcohol, other drug or drugs, or
34 intoxicating compound or compounds, or any combination

1 thereof if:

2 (A) the person committed a violation of this
3 Section, or a similar provision of a law of another
4 state or a local ordinance when the cause of action is
5 the same as or substantially similar to this Section,
6 for the third or subsequent time;

7 (B) the person committed a violation of paragraph
8 (a) while driving a school bus with children on board;

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

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

23 (E) the person, in committing a violation of
24 paragraph (a) while driving at any speed in a school
25 speed zone at a time when a speed limit of 20 miles per
26 hour was in effect under subsection (a) of Section
27 11-605 of this Code, was involved in a motor vehicle
28 accident that resulted in bodily harm, other than great
29 bodily harm or permanent disability or disfigurement,
30 to another person, when the violation of paragraph (a)
31 was a proximate cause of the bodily harm; or

32 (F) the person, in committing a violation of
33 paragraph (a), was involved in a motor vehicle,
34 snowmobile, all-terrain vehicle, or watercraft

1 accident that resulted in the death of another person,
2 when the violation of paragraph (a) was a proximate
3 cause of the death.

4 (2) Except as provided in this paragraph (2),
5 aggravated driving under the influence of alcohol, other
6 drug or drugs, or intoxicating compound or compounds, or
7 any combination thereof is a Class 4 felony. For a
8 violation of subparagraph (C) of paragraph (1) of this
9 subsection (d), the defendant, if sentenced to a term of
10 imprisonment, shall be sentenced to not less than one year
11 nor more than 12 years. Aggravated driving under the
12 influence of alcohol, other drug or drugs, or intoxicating
13 compound or compounds, or any combination thereof as
14 defined in subparagraph (F) of paragraph (1) of this
15 subsection (d) is a Class 2 felony, for which the
16 defendant, if sentenced to a term of imprisonment, shall be
17 sentenced to: (A) a term of imprisonment of not less than 3
18 years and not more than 14 years if the violation resulted
19 in the death of one person; or (B) a term of imprisonment
20 of not less than 6 years and not more than 28 years if the
21 violation resulted in the deaths of 2 or more persons. For
22 any prosecution under this subsection (d), a certified copy
23 of the driving abstract of the defendant shall be admitted
24 as proof of any prior conviction.

25 (e) After a finding of guilt and prior to any final
26 sentencing, or an order for supervision, for an offense based
27 upon an arrest for a violation of this Section or a similar
28 provision of a local ordinance, individuals shall be required
29 to undergo a professional evaluation to determine if an
30 alcohol, drug, or intoxicating compound abuse problem exists
31 and the extent of the problem, and undergo the imposition of
32 treatment as appropriate. Programs conducting these
33 evaluations shall be licensed by the Department of Human
34 Services. The cost of any professional evaluation shall be paid

1 for by the individual required to undergo the professional
2 evaluation.

3 (e-1) Any person who is found guilty of or pleads guilty to
4 violating this Section, including any person receiving a
5 disposition of court supervision for violating this Section,
6 may be required by the Court to attend a victim impact panel
7 offered by, or under contract with, a County State's Attorney's
8 office, a probation and court services department, Mothers
9 Against Drunk Driving, or the Alliance Against Intoxicated
10 Motorists. All costs generated by the victim impact panel shall
11 be paid from fees collected from the offender or as may be
12 determined by the court.

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

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

22 (h) Every person sentenced under paragraph (2) or (3) of
23 subsection (c-1) of this Section or subsection (d) of this
24 Section and who receives a term of probation or conditional
25 discharge shall be required to serve a minimum term of either
26 60 days community service or 10 days of imprisonment as a
27 condition of the probation or conditional discharge. This
28 mandatory minimum term of imprisonment or assignment of
29 community service shall not be suspended and shall not be
30 subject to reduction by the court.

31 (i) The Secretary of State shall require the use of
32 ignition interlock devices on all vehicles owned by an
33 individual who has been convicted of a second or subsequent
34 offense of this Section or a similar provision of a local

1 ordinance. The Secretary shall establish by rule and regulation
2 the procedures for certification and use of the interlock
3 system.

4 (j) In addition to any other penalties and liabilities, a
5 person who is found guilty of or pleads guilty to violating
6 this Section, including any person placed on court supervision
7 for violating this Section, shall be fined \$100, payable to the
8 circuit clerk, who shall distribute the money to the law
9 enforcement agency that made the arrest. If the person has been
10 previously convicted of violating this Section or a similar
11 provision of a local ordinance, the fine shall be \$200. In the
12 event that more than one agency is responsible for the arrest,
13 the \$100 or \$200 shall be shared equally. Any moneys received
14 by a law enforcement agency under this subsection (j) shall be
15 used to purchase law enforcement equipment that will assist in
16 the prevention of alcohol related criminal violence throughout
17 the State. This shall include, but is not limited to, in-car
18 video cameras, radar and laser speed detection devices, and
19 alcohol breath testers. Any moneys received by the Department
20 of State Police under this subsection (j) shall be deposited
21 into the State Police DUI Fund and shall be used to purchase
22 law enforcement equipment that will assist in the prevention of
23 alcohol related criminal violence throughout the State.

24 (k) The Secretary of State Police DUI Fund is created as a
25 special fund in the State treasury. All moneys received by the
26 Secretary of State Police under subsection (j) of this Section
27 shall be deposited into the Secretary of State Police DUI Fund
28 and, subject to appropriation, shall be used to purchase law
29 enforcement equipment to assist in the prevention of alcohol
30 related criminal violence throughout the State.

31 (Source: P.A. 92-248, eff. 8-3-01; 92-418, eff. 8-17-01;
32 92-420, eff. 8-17-01; 92-429, eff. 1-1-02; 92-431, eff. 1-1-02;
33 92-651, eff. 7-11-02; 93-156, eff. 1-1-04; 93-213, eff.
34 7-18-03; 93-584, eff. 8-22-03; revised 8-27-03.)

1 (625 ILCS 5/11-501.9 new)

2 Sec. 11-501.9. Mandatory preliminary breath screening test
3 and field sobriety tests.

4 (a) The General Assembly finds that: (1) the incidence of
5 motorists suspected of driving under the influence of alcohol,
6 other drugs, or intoxicating compounds who refuse to perform
7 voluntary preliminary breath screening tests or field sobriety
8 tests has risen to alarming proportions; (2) motorists who
9 refuse these tests frequently drive under the influence of
10 alcohol, drugs, or intoxicating compounds but are nonetheless
11 often able to avoid the loss or suspension of driving
12 privileges by refusing to perform these tests; (3) these
13 motorists pose a substantial danger to the lives and property
14 both of other motorists and of pedestrians; (4) the State of
15 Illinois has the duty to protect the lives and property of its
16 citizens as they travel upon the roads and highways of this
17 State, and that duty gives rise to a special need to ensure
18 that those roads and highways are free from the dangers posed
19 by impaired motorists; (5) persons who operate motor vehicles
20 upon the roads and highways of this State engage in an
21 inherently dangerous activity that directly affects the safety
22 of the public, and consequently, such persons are subject to
23 reasonable measures designed to make road and highway travel
24 safe; (6) the only effective and realistic response to the
25 crisis presented by motorists refusing to voluntarily perform
26 preliminary breath screening tests or field sobriety tests is
27 to require persons suspected of driving under the influence of
28 alcohol, drugs, or intoxicating compounds to perform these
29 tests; and (7) the required performance of these tests based on
30 individualized reasonable suspicion is a necessary,
31 unobtrusive, and reasonable measure designed to promote the
32 State's special need to make its roads and highways safe.

33 (b) Any person who drives or is in actual physical control

1 of a motor vehicle within this State shall be deemed to have
2 given consent to performing any field sobriety test or tests
3 approved by the Illinois Law Enforcement Training Standards
4 Board and to providing a sample of his or her breath for a
5 preliminary breath screening test using a portable device
6 approved by the Department of State Police and checked for
7 accuracy by the law enforcement agency utilizing the device at
8 intervals not exceeding 3 months if the law enforcement officer
9 has reasonable suspicion based on specific and articulable
10 facts and rational inferences from those facts to believe that
11 the person is violating or has violated Section 11-501 or a
12 similar provision of a local ordinance. These tests shall be
13 conducted expeditiously in the vicinity of the location in
14 which the person was stopped by a law enforcement officer
15 trained to administer these tests under standards set forth by
16 the Illinois Law Enforcement Training Standards Board. The
17 results of the field sobriety test or tests or the preliminary
18 breath screening test may be used by the law enforcement
19 officer for the purpose of assisting with the determination of
20 whether to require a chemical test as authorized under Sections
21 11-501.1 and 11-501.2, and the appropriate type of test to
22 request. The decision to administer a field sobriety test or
23 tests or a preliminary breath screening test shall at all times
24 be in the discretion of the law enforcement officer. Any
25 chemical test authorized under Sections 11-501.1 and 11-501.2
26 may be requested by the officer regardless of the result of the
27 field sobriety test or tests or of the preliminary breath
28 screening test, if probable cause for an arrest otherwise
29 exists. The preliminary breath screening test shall be
30 administered in accordance with rules the Director of the
31 Illinois State Police may adopt. The result of a field sobriety
32 test or test or of a preliminary breath screening test may be
33 used by the defendant as evidence in any administrative or
34 court proceeding involving a violation of Section 11-501 or

1 11-501.1 and may be used by the State as evidence in any
2 administrative or court proceeding to establish probable cause
3 for a violation of Section 11-501 or in rebuttal to an
4 assertion that a test conducted pursuant to Section 11-501.1
5 did not accurately reflect a person's degree of alcohol
6 concentration in the person's breath or blood at the time the
7 person was in control of the motor vehicle.

8 For the purposes of this Section, a law enforcement officer
9 of this State who is investigating a person for any offense set
10 forth in Section 11-501 may travel to an adjoining state to
11 which the person has been transported for medical care to
12 complete an investigation and request that the person submit to
13 the test set forth in this Section.

14 (c) A person requested to submit to any test as provided in
15 subsection (b) of this Section shall be warned by the law
16 enforcement officer requesting the test prior to administering
17 the test or tests that a refusal to submit to any test will
18 result in the statutory summary suspension of the person's
19 privilege to operate a motor vehicle as provided in Section
20 6-208.1 of this Code.

21 (d) If a person refuses to perform a field sobriety test or
22 tests or a preliminary breath screening test requested by a law
23 enforcement officer, the law enforcement officer shall
24 immediately submit a sworn report to the Secretary of State on
25 a form prescribed by the Secretary, certifying that the test
26 was requested under subsection (b) and that the person refused
27 to submit to the test.

28 (e) Upon receipt of the sworn report of a law enforcement
29 officer submitted under subsection (d), the Secretary of State
30 shall enter the statutory summary suspension for the periods
31 specified in Section 6-208.1, and effective as provided in
32 subsection (i). If the person is a first offender as defined in
33 Section 11-500 of this Code, and is not convicted of a
34 violation of Section 11-501 of this Code or a similar provision

1 of a local ordinance, then reports received by the Secretary of
2 State under this Section shall, except during the actual time
3 the statutory summary suspension is in effect, be privileged
4 information and for use only by the courts, police officers,
5 prosecuting authorities, or the Secretary of State.

6 (f) The law enforcement officer submitting the sworn report
7 under subsection (d) shall serve immediate notice of the
8 statutory summary suspension on the person. The suspension
9 shall be effective on the 46th day following the date the
10 statutory summary suspension was given to the person. Upon
11 receipt of the sworn report from the law enforcement officer,
12 the Secretary of State shall confirm the statutory summary
13 suspension by mailing a notice of the effective date of the
14 suspension to the person and to the court of venue if the
15 person was given a citation at the time of the notice of
16 suspension by the law enforcement officer and the person's
17 driver's license was forwarded to the court. If the sworn
18 report is defective because it does not contain sufficient
19 information or it has been completed in error, the confirmation
20 of the statutory summary suspension must not be mailed to the
21 person or entered to the record; instead, the sworn report must
22 be returned to the issuing agency, identifying any defect.

23 (g) A driver may contest the suspension of his or her
24 driving privileges by requesting an administrative hearing
25 with the Secretary in accordance with Section 2-118 of this
26 Code. The administrative hearing shall be held within 30 days
27 of the request unless the person requests a continuance. The
28 petition for this hearing does not stay or delay the effective
29 date of the impending suspension. The scope of the hearing
30 shall be limited to the issues of:

31 (1) whether the officer had reasonable suspicion based
32 on specific and articulable facts and inferences from those
33 facts to believe that the person was driving or in actual
34 physical control of a motor vehicle upon the public

1 highways of this State while under the influence of
2 alcohol, another drug, or a combination of both, or
3 intoxicating compounds; and

4 (2) whether the person, after being advised by the law
5 enforcement officer that the privilege to operate a motor
6 vehicle would be suspended if the person refused to submit
7 to and complete a field sobriety test or tests or a
8 preliminary breath screening test, refused to submit to or
9 complete such test.

10 The hearing may be conducted upon a review of the law
11 enforcement officer's own official reports; however, the
12 person may subpoena the officer. Failure of the officer to
13 answer the subpoena shall be considered grounds for the person
14 to obtain a continuance if, in the opinion of the hearing
15 officer, the continuance is appropriate. At the conclusion of
16 the hearing, the Secretary may rescind, continue or modify the
17 order of suspension. If the Secretary does not rescind the
18 sanction, and the person is a first offender as defined by
19 Section 11-500, upon application being made and good cause
20 shown, the Secretary may issue the person a restricted driving
21 permit effective no sooner than the 31st day following the date
22 on which the statutory summary suspension took effect. The
23 restricted driving permit may be granted to relieve undue
24 hardship by allowing driving for employment, educational, and
25 medical purposes outlined in item (3) of subsection (c) of
26 Section 6-206 of this Code. The provisions of item (3) of
27 subsection (c) of Section 6-206 shall apply.

28 (h) When specific and articulable facts and the inferences
29 from those facts give rise to a rational basis for concluding
30 that the driver of a vehicle is impaired from alcohol, drugs,
31 intoxicating compounds or a combination of them to the extent
32 that the continued operation of the vehicle by the driver would
33 constitute a clear and present danger to any person, the law
34 enforcement officer may secure the driver's vehicle for up to

1 24 hours. For the purpose of this subsection, "secure" means
2 that the officer may: (i) direct the driver not to operate the
3 vehicle; (ii) take possession of the driver's vehicle keys,
4 (iii) impound the vehicle, or (iv) take other reasonable steps
5 to ensure the driver does not operate the vehicle. If the
6 vehicle is impounded, the driver shall be liable for all costs
7 of impoundment. The law enforcement officer may release the
8 vehicle to a person other than the driver if: (i) that other
9 person is the owner or renter of the vehicle or the driver is
10 owner of the vehicle and gives permission to the other person
11 to operate the vehicle and (ii) the other person possesses a
12 valid operator's license and would not, as determined by the
13 law enforcement officer, either have a lack of ability to
14 operate the vehicle in a safe manner or be operating the
15 vehicle in violation of this Code.

16 Section 10. The Unified Code of Corrections is amended by
17 changing Section 5-6-1 as follows:

18 (730 ILCS 5/5-6-1) (from Ch. 38, par. 1005-6-1)

19 Sec. 5-6-1. Sentences of Probation and of Conditional
20 Discharge and Disposition of Supervision. The General Assembly
21 finds that in order to protect the public, the criminal justice
22 system must compel compliance with the conditions of probation
23 by responding to violations with swift, certain and fair
24 punishments and intermediate sanctions. The Chief Judge of each
25 circuit shall adopt a system of structured, intermediate
26 sanctions for violations of the terms and conditions of a
27 sentence of probation, conditional discharge or disposition of
28 supervision.

29 (a) Except where specifically prohibited by other
30 provisions of this Code, the court shall impose a sentence of
31 probation or conditional discharge upon an offender unless,
32 having regard to the nature and circumstance of the offense,

1 and to the history, character and condition of the offender,
2 the court is of the opinion that:

3 (1) his imprisonment or periodic imprisonment is
4 necessary for the protection of the public; or

5 (2) probation or conditional discharge would deprecate
6 the seriousness of the offender's conduct and would be
7 inconsistent with the ends of justice.

8 The court shall impose as a condition of a sentence of
9 probation, conditional discharge, or supervision, that the
10 probation agency may invoke any sanction from the list of
11 intermediate sanctions adopted by the chief judge of the
12 circuit court for violations of the terms and conditions of the
13 sentence of probation, conditional discharge, or supervision,
14 subject to the provisions of Section 5-6-4 of this Act.

15 (b) The court may impose a sentence of conditional
16 discharge for an offense if the court is of the opinion that
17 neither a sentence of imprisonment nor of periodic imprisonment
18 nor of probation supervision is appropriate.

19 (c) The court may, upon a plea of guilty or a stipulation
20 by the defendant of the facts supporting the charge or a
21 finding of guilt, defer further proceedings and the imposition
22 of a sentence, and enter an order for supervision of the
23 defendant, if the defendant is not charged with: (i) a Class A
24 misdemeanor, as defined by the following provisions of the
25 Criminal Code of 1961: Sections 12-3.2; 12-15; 26-5; 31-1;
26 31-6; 31-7; subsections (b) and (c) of Section 21-1; paragraph
27 (1) through (5), (8), (10), and (11) of subsection (a) of
28 Section 24-1; (ii) a Class A misdemeanor violation of Section
29 3.01, 3.03-1, or 4.01 of the Humane Care for Animals Act; or
30 (iii) felony. If the defendant is not barred from receiving an
31 order for supervision as provided in this subsection, the court
32 may enter an order for supervision after considering the
33 circumstances of the offense, and the history, character and
34 condition of the offender, if the court is of the opinion that:

1 (1) the offender is not likely to commit further
2 crimes;

3 (2) the defendant and the public would be best served
4 if the defendant were not to receive a criminal record; and

5 (3) in the best interests of justice an order of
6 supervision is more appropriate than a sentence otherwise
7 permitted under this Code.

8 (d) The provisions of paragraph (c) shall not apply to a
9 defendant charged with violating Section 11-501 of the Illinois
10 Vehicle Code or a similar provision of a local ordinance when
11 the defendant has previously been:

12 (1) convicted for a violation of Section 11-501 of the
13 Illinois Vehicle Code or a similar provision of a local
14 ordinance or any similar law or ordinance of another state;
15 or

16 (2) assigned supervision for a violation of Section
17 11-501 of the Illinois Vehicle Code or a similar provision
18 of a local ordinance or any similar law or ordinance of
19 another state; or

20 (3) pleaded guilty to or stipulated to the facts
21 supporting a charge or a finding of guilty to a violation
22 of Section 11-503 of the Illinois Vehicle Code or a similar
23 provision of a local ordinance or any similar law or
24 ordinance of another state, and the plea or stipulation was
25 the result of a plea agreement.

26 The court shall consider the statement of the prosecuting
27 authority with regard to the standards set forth in this
28 Section.

29 (e) The provisions of paragraph (c) shall not apply to a
30 defendant charged with violating Section 16A-3 of the Criminal
31 Code of 1961 if said defendant has within the last 5 years
32 been:

33 (1) convicted for a violation of Section 16A-3 of the
34 Criminal Code of 1961; or

1 (2) assigned supervision for a violation of Section
2 16A-3 of the Criminal Code of 1961 or similar provision of
3 an out-of-state jurisdiction.

4 The court shall consider the statement of the prosecuting
5 authority with regard to the standards set forth in this
6 Section.

7 (f) The provisions of paragraph (c) shall not apply to a
8 defendant charged with violating Sections 15-111, 15-112,
9 15-301, paragraph (b) of Section 6-104, Section 11-605, or
10 Section 11-1414 of the Illinois Vehicle Code or a similar
11 provision of a local ordinance or out-of-state jurisdiction.

12 (g) Except as otherwise provided in paragraph (i) of this
13 Section, the provisions of paragraph (c) shall not apply to a
14 defendant charged with violating Section 3-707, 3-708, 3-710,
15 or 5-401.3 of the Illinois Vehicle Code or a similar provision
16 of a local ordinance if the defendant has within the last 5
17 years been:

18 (1) convicted for a violation of Section 3-707, 3-708,
19 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar
20 provision of a local ordinance or out-of-state
21 jurisdiction; or

22 (2) assigned supervision for a violation of Section
23 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle
24 Code or a similar provision of a local ordinance or
25 out-of-state jurisdiction.

26 The court shall consider the statement of the prosecuting
27 authority with regard to the standards set forth in this
28 Section.

29 (h) The provisions of paragraph (c) shall not apply to a
30 defendant under the age of 21 years charged with violating a
31 serious traffic offense as defined in Section 1-187.001 of the
32 Illinois Vehicle Code:

33 (1) unless the defendant, upon payment of the fines,
34 penalties, and costs provided by law, agrees to attend and

1 successfully complete a traffic safety program approved by
2 the court under standards set by the Conference of Chief
3 Circuit Judges. The accused shall be responsible for
4 payment of any traffic safety program fees. If the accused
5 fails to file a certificate of successful completion on or
6 before the termination date of the supervision order, the
7 supervision shall be summarily revoked and conviction
8 entered. The provisions of Supreme Court Rule 402 relating
9 to pleas of guilty do not apply in cases when a defendant
10 enters a guilty plea under this provision; or

11 (2) if the defendant has previously been sentenced
12 under the provisions of paragraph (c) on or after January
13 1, 1998 for any serious traffic offense as defined in
14 Section 1-187.001 of the Illinois Vehicle Code.

15 (i) The provisions of paragraph (c) shall not apply to a
16 defendant charged with violating Section 3-707 of the Illinois
17 Vehicle Code or a similar provision of a local ordinance if the
18 defendant has been assigned supervision for a violation of
19 Section 3-707 of the Illinois Vehicle Code or a similar
20 provision of a local ordinance or out-of-state jurisdiction.

21 (j) The provisions of paragraph (c) shall not apply to a
22 defendant charged with violating Section 6-303 of the Illinois
23 Vehicle Code or a similar provision of a local ordinance or
24 out-of-state jurisdiction when the revocation or suspension
25 was for a violation of Section 11-501 or a similar provision of
26 a local ordinance, a failure to submit to a chemical test or
27 tests of blood, breath, or urine pursuant to violation of
28 Section 11-501.1 or to a preliminary breath screening test or a
29 field sobriety test or tests pursuant to Section 11-501.9 of
30 the Illinois Vehicle Code, a violation of ~~or~~ paragraph (b) of
31 Section 11-401 of the Illinois Vehicle Code, or a violation of
32 Section 9-3 of the Criminal Code of 1961 if the defendant has
33 within the last 10 years been:

34 (1) convicted for a violation of Section 6-303 of the

1 Illinois Vehicle Code or a similar provision of a local
2 ordinance or out-of-state jurisdiction; or

3 (2) assigned supervision for a violation of Section
4 6-303 of the Illinois Vehicle Code or a similar provision
5 of a local ordinance or out-of-state jurisdiction.

6 (Source: P.A. 93-388, eff. 7-25-03.)

7 Section 99. Effective date. This Act takes effect on
8 January 1, 2005."