



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB1864

Introduced 2/23/2007, by Rep. Harry R. Ramey, Jr.

SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-501
625 ILCS 40/5-7
625 ILCS 45/5-16

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

Amends the Illinois Vehicle Code, the Snowmobile Registration and Safety Act, and the Boat Registration and Safety Act. Changes cross-references with regard to reimbursement by a DUI offender of the cost of an emergency response necessitated by the offender's violation. Effective immediately.

LRB095 04953 DRH 25019 b

1 AN ACT concerning transportation.

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

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

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

7 (Text of Section from P.A. 93-1093 and 94-963)

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

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

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

16 (2) under the influence of alcohol;

17 (3) under the influence of any intoxicating compound or
18 combination of intoxicating compounds to a degree that
19 renders the person incapable of driving safely;

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

23 (5) under the combined influence of alcohol, other drug

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

3 (6) there is any amount of a drug, substance, or
4 compound in the person's breath, blood, or urine resulting
5 from the unlawful use or consumption of cannabis listed in
6 the Cannabis Control Act, a controlled substance listed in
7 the Illinois Controlled Substances Act, or an intoxicating
8 compound listed in the Use of Intoxicating Compounds Act.

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

14 (b-1) With regard to penalties imposed under this Section:

15 (1) Any reference to a prior violation of subsection
16 (a) or a similar provision includes any violation of a
17 provision of a local ordinance or a provision of a law of
18 another state that is similar to a violation of subsection
19 (a) of this Section.

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

24 (b-2) Except as otherwise provided in this Section, any
25 person convicted of violating subsection (a) of this Section is
26 guilty of a Class A misdemeanor.

1 (b-3) In addition to any other criminal or administrative
2 sanction for any second conviction of violating subsection (a)
3 or a similar provision committed within 5 years of a previous
4 violation of subsection (a) or a similar provision, the
5 defendant shall be sentenced to a mandatory minimum of 5 days
6 of imprisonment or assigned a mandatory minimum of 240 hours of
7 community service as may be determined by the court.

8 (b-4) In the case of a third or subsequent violation
9 committed within 5 years of a previous violation of subsection
10 (a) or a similar provision, in addition to any other criminal
11 or administrative sanction, a mandatory minimum term of either
12 10 days of imprisonment or 480 hours of community service shall
13 be imposed.

14 (b-5) The imprisonment or assignment of community service
15 under subsections (b-3) and (b-4) shall not be subject to
16 suspension, nor shall the person be eligible for a reduced
17 sentence.

18 (c) (Blank).

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

26 (2) A person who violates subsection (a) a third time,

1 if the third violation occurs during a period in which his
2 or her driving privileges are revoked or suspended where
3 the revocation or suspension was for a violation of
4 subsection (a), Section 11-501.1, paragraph (b) of Section
5 11-401, or for reckless homicide as defined in Section 9-3
6 of the Criminal Code of 1961, is guilty of a Class 3
7 felony; and if the person receives a term of probation or
8 conditional discharge, he or she shall be required to serve
9 a mandatory minimum of 10 days of imprisonment or shall be
10 assigned a mandatory minimum of 480 hours of community
11 service, as may be determined by the court, as a condition
12 of the probation or conditional discharge. This mandatory
13 minimum term of imprisonment or assignment of community
14 service shall not be suspended or reduced by the court.

15 (2.2) A person who violates subsection (a), if the
16 violation occurs during a period in which his or her
17 driving privileges are revoked or suspended where the
18 revocation or suspension was for a violation of subsection
19 (a) or Section 11-501.1, shall also be sentenced to an
20 additional mandatory minimum term of 30 consecutive days of
21 imprisonment, 40 days of 24-hour periodic imprisonment, or
22 720 hours of community service, as may be determined by the
23 court. This mandatory term of imprisonment or assignment of
24 community service shall not be suspended or reduced by the
25 court.

26 (3) A person who violates subsection (a) a fourth or

1 subsequent time, if the fourth or subsequent violation
2 occurs during a period in which his or her driving
3 privileges are revoked or suspended where the revocation or
4 suspension was for a violation of subsection (a), Section
5 11-501.1, paragraph (b) of Section 11-401, or for reckless
6 homicide as defined in Section 9-3 of the Criminal Code of
7 1961, is guilty of a Class 2 felony and is not eligible for
8 a sentence of probation or conditional discharge.

9 (c-2) (Blank).

10 (c-3) (Blank).

11 (c-4) (Blank).

12 (c-5)(1) A person who violates subsection (a), if the
13 person was transporting a person under the age of 16 at the
14 time of the violation, is subject to an additional
15 mandatory minimum fine of \$1,000, an additional mandatory
16 minimum 140 hours of community service, which shall include
17 40 hours of community service in a program benefiting
18 children, and an additional 2 days of imprisonment. The
19 imprisonment or assignment of community service under this
20 subdivision (c-5)(1) is not subject to suspension, nor is
21 the person eligible for a reduced sentence.

22 (2) Except as provided in subdivisions (c-5)(3) and
23 (c-5)(4) a person who violates subsection (a) a second
24 time, if at the time of the second violation the person was
25 transporting a person under the age of 16, is subject to an
26 additional 10 days of imprisonment, an additional

1 mandatory minimum fine of \$1,000, and an additional
2 mandatory minimum 140 hours of community service, which
3 shall include 40 hours of community service in a program
4 benefiting children. The imprisonment or assignment of
5 community service under this subdivision (c-5)(2) is not
6 subject to suspension, nor is the person eligible for a
7 reduced sentence.

8 (3) Except as provided in subdivision (c-5)(4), any
9 person convicted of violating subdivision (c-5)(2) or a
10 similar provision within 10 years of a previous violation
11 of subsection (a) or a similar provision shall receive, in
12 addition to any other penalty imposed, a mandatory minimum
13 12 days imprisonment, an additional 40 hours of mandatory
14 community service in a program benefiting children, and a
15 mandatory minimum fine of \$1,750. The imprisonment or
16 assignment of community service under this subdivision
17 (c-5)(3) is not subject to suspension, nor is the person
18 eligible for a reduced sentence.

19 (4) Any person convicted of violating subdivision
20 (c-5)(2) or a similar provision within 5 years of a
21 previous violation of subsection (a) or a similar provision
22 shall receive, in addition to any other penalty imposed, an
23 additional 80 hours of mandatory community service in a
24 program benefiting children, an additional mandatory
25 minimum 12 days of imprisonment, and a mandatory minimum
26 fine of \$1,750. The imprisonment or assignment of community

1 service under this subdivision (c-5)(4) is not subject to
2 suspension, nor is the person eligible for a reduced
3 sentence.

4 (5) Any person convicted a third time for violating
5 subsection (a) or a similar provision, if at the time of
6 the third violation the person was transporting a person
7 under the age of 16, is guilty of a Class 4 felony and
8 shall receive, in addition to any other penalty imposed, an
9 additional mandatory fine of \$1,000, an additional
10 mandatory 140 hours of community service, which shall
11 include 40 hours in a program benefiting children, and a
12 mandatory minimum 30 days of imprisonment. The
13 imprisonment or assignment of community service under this
14 subdivision (c-5)(5) is not subject to suspension, nor is
15 the person eligible for a reduced sentence.

16 (6) Any person convicted of violating subdivision
17 (c-5)(5) or a similar provision a third time within 20
18 years of a previous violation of subsection (a) or a
19 similar provision is guilty of a Class 4 felony and shall
20 receive, in addition to any other penalty imposed, an
21 additional mandatory 40 hours of community service in a
22 program benefiting children, an additional mandatory fine
23 of \$3,000, and a mandatory minimum 120 days of
24 imprisonment. The imprisonment or assignment of community
25 service under this subdivision (c-5)(6) is not subject to
26 suspension, nor is the person eligible for a reduced

1 sentence.

2 (7) Any person convicted a fourth or subsequent time
3 for violating subsection (a) or a similar provision, if at
4 the time of the fourth or subsequent violation the person
5 was transporting a person under the age of 16, and if the
6 person's 3 prior violations of subsection (a) or a similar
7 provision occurred while transporting a person under the
8 age of 16 or while the alcohol concentration in his or her
9 blood, breath, or urine was 0.16 or more based on the
10 definition of blood, breath, or urine units in Section
11 11-501.2, is guilty of a Class 2 felony, is not eligible
12 for probation or conditional discharge, and is subject to a
13 minimum fine of \$3,000.

14 (c-6)(1) Any person convicted of a first violation of
15 subsection (a) or a similar provision, if the alcohol
16 concentration in his or her blood, breath, or urine was
17 0.16 or more based on the definition of blood, breath, or
18 urine units in Section 11-501.2, shall be subject, in
19 addition to any other penalty that may be imposed, to a
20 mandatory minimum of 100 hours of community service and a
21 mandatory minimum fine of \$500.

22 (2) Any person convicted of a second violation of
23 subsection (a) or a similar provision committed within 10
24 years of a previous violation of subsection (a) or a
25 similar provision, if at the time of the second violation
26 of subsection (a) or a similar provision the alcohol

1 concentration in his or her blood, breath, or urine was
2 0.16 or more based on the definition of blood, breath, or
3 urine units in Section 11-501.2, shall be subject, in
4 addition to any other penalty that may be imposed, to a
5 mandatory minimum of 2 days of imprisonment and a mandatory
6 minimum fine of \$1,250.

7 (3) Any person convicted of a third violation of
8 subsection (a) or a similar provision within 20 years of a
9 previous violation of subsection (a) or a similar
10 provision, if at the time of the third violation of
11 subsection (a) or a similar provision the alcohol
12 concentration in his or her blood, breath, or urine was
13 0.16 or more based on the definition of blood, breath, or
14 urine units in Section 11-501.2, is guilty of a Class 4
15 felony and shall be subject, in addition to any other
16 penalty that may be imposed, to a mandatory minimum of 90
17 days of imprisonment and a mandatory minimum fine of
18 \$2,500.

19 (4) Any person convicted of a fourth or subsequent
20 violation of subsection (a) or a similar provision, if at
21 the time of the fourth or subsequent violation the alcohol
22 concentration in his or her blood, breath, or urine was
23 0.16 or more based on the definition of blood, breath, or
24 urine units in Section 11-501.2, and if the person's 3
25 prior violations of subsection (a) or a similar provision
26 occurred while transporting a person under the age of 16 or

1 while the alcohol concentration in his or her blood,
2 breath, or urine was 0.16 or more based on the definition
3 of blood, breath, or urine units in Section 11-501.2, is
4 guilty of a Class 2 felony and is not eligible for a
5 sentence of probation or conditional discharge and is
6 subject to a minimum fine of \$2,500.

7 (d) (1) Every person convicted of committing a violation of
8 this Section shall be guilty of aggravated driving under
9 the influence of alcohol, other drug or drugs, or
10 intoxicating compound or compounds, or any combination
11 thereof if:

12 (A) the person committed a violation of subsection
13 (a) or a similar provision for the third or subsequent
14 time;

15 (B) the person committed a violation of subsection
16 (a) while driving a school bus with persons 18 years of
17 age or younger on board;

18 (C) the person in committing a violation of
19 subsection (a) was involved in a motor vehicle accident
20 that resulted in great bodily harm or permanent
21 disability or disfigurement to another, when the
22 violation was a proximate cause of the injuries;

23 (D) the person committed a violation of subsection
24 (a) for a second time and has been previously convicted
25 of violating Section 9-3 of the Criminal Code of 1961
26 or a similar provision of a law of another state

1 relating to reckless homicide in which the person was
2 determined to have been under the influence of alcohol,
3 other drug or drugs, or intoxicating compound or
4 compounds as an element of the offense or the person
5 has previously been convicted under subparagraph (C)
6 or subparagraph (F) of this paragraph (1);

7 (E) the person, in committing a violation of
8 subsection (a) while driving at any speed in a school
9 speed zone at a time when a speed limit of 20 miles per
10 hour was in effect under subsection (a) of Section
11 11-605 of this Code, was involved in a motor vehicle
12 accident that resulted in bodily harm, other than great
13 bodily harm or permanent disability or disfigurement,
14 to another person, when the violation of subsection (a)
15 was a proximate cause of the bodily harm; or

16 (F) the person, in committing a violation of
17 subsection (a), was involved in a motor vehicle,
18 snowmobile, all-terrain vehicle, or watercraft
19 accident that resulted in the death of another person,
20 when the violation of subsection (a) was a proximate
21 cause of the death.

22 (2) Except as provided in this paragraph (2), a person
23 convicted of aggravated driving under the influence of
24 alcohol, other drug or drugs, or intoxicating compound or
25 compounds, or any combination thereof is guilty of a Class
26 4 felony. For a violation of subparagraph (C) of paragraph

1 (1) of this subsection (d), the defendant, if sentenced to
2 a term of imprisonment, shall be sentenced to not less than
3 one year nor more than 12 years. Aggravated driving under
4 the influence of alcohol, other drug or drugs, or
5 intoxicating compound or compounds, or any combination
6 thereof as defined in subparagraph (F) of paragraph (1) of
7 this subsection (d) is a Class 2 felony, for which the
8 defendant, if sentenced to a term of imprisonment, shall be
9 sentenced to: (A) a term of imprisonment of not less than 3
10 years and not more than 14 years if the violation resulted
11 in the death of one person; or (B) a term of imprisonment
12 of not less than 6 years and not more than 28 years if the
13 violation resulted in the deaths of 2 or more persons. For
14 any prosecution under this subsection (d), a certified copy
15 of the driving abstract of the defendant shall be admitted
16 as proof of any prior conviction. Any person sentenced
17 under this subsection (d) who receives a term of probation
18 or conditional discharge must serve a minimum term of
19 either 480 hours of community service or 10 days of
20 imprisonment as a condition of the probation or conditional
21 discharge. This mandatory minimum term of imprisonment or
22 assignment of community service may not be suspended or
23 reduced by the court.

24 (e) After a finding of guilt and prior to any final
25 sentencing, or an order for supervision, for an offense based
26 upon an arrest for a violation of this Section or a similar

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

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

20 (f) Every person found guilty of violating this Section,
21 whose operation of a motor vehicle while in violation of this
22 Section proximately caused any incident resulting in an
23 appropriate emergency response, shall be liable for the expense
24 of an emergency response as provided in subsection (m) of this
25 Section ~~under Section 5-5-3 of the Unified Code of Corrections.~~

26 (g) The Secretary of State shall revoke the driving

1 privileges of any person convicted under this Section or a
2 similar provision of a local ordinance.

3 (h) (Blank).

4 (i) The Secretary of State shall require the use of
5 ignition interlock devices on all vehicles owned by an
6 individual who has been convicted of a second or subsequent
7 offense of this Section or a similar provision of a local
8 ordinance. The Secretary shall establish by rule and regulation
9 the procedures for certification and use of the interlock
10 system.

11 (j) In addition to any other penalties and liabilities, a
12 person who is found guilty of or pleads guilty to violating
13 subsection (a), including any person placed on court
14 supervision for violating subsection (a), shall be fined \$500,
15 payable to the circuit clerk, who shall distribute the money as
16 follows: 20% to the law enforcement agency that made the arrest
17 and 80% shall be forwarded to the State Treasurer for deposit
18 into the General Revenue Fund. If the person has been
19 previously convicted of violating subsection (a) or a similar
20 provision of a local ordinance, the fine shall be \$1,000. In
21 the event that more than one agency is responsible for the
22 arrest, the amount payable to law enforcement agencies shall be
23 shared equally. Any moneys received by a law enforcement agency
24 under this subsection (j) shall be used for enforcement and
25 prevention of driving while under the influence of alcohol,
26 other drug or drugs, intoxicating compound or compounds or any

1 combination thereof, as defined by this Section, including but
2 not limited to the purchase of law enforcement equipment and
3 commodities that will assist in the prevention of alcohol
4 related criminal violence throughout the State; police officer
5 training and education in areas related to alcohol related
6 crime, including but not limited to DUI training; and police
7 officer salaries, including but not limited to salaries for
8 hire back funding for safety checkpoints, saturation patrols,
9 and liquor store sting operations. Equipment and commodities
10 shall include, but are not limited to, in-car video cameras,
11 radar and laser speed detection devices, and alcohol breath
12 testers. Any moneys received by the Department of State Police
13 under this subsection (j) shall be deposited into the State
14 Police DUI Fund and shall be used for enforcement and
15 prevention of driving while under the influence of alcohol,
16 other drug or drugs, intoxicating compound or compounds or any
17 combination thereof, as defined by this Section, including but
18 not limited to the purchase of law enforcement equipment and
19 commodities that will assist in the prevention of alcohol
20 related criminal violence throughout the State; police officer
21 training and education in areas related to alcohol related
22 crime, including but not limited to DUI training; and police
23 officer salaries, including but not limited to salaries for
24 hire back funding for safety checkpoints, saturation patrols,
25 and liquor store sting operations.

26 (k) The Secretary of State Police DUI Fund is created as a

1 special fund in the State treasury. All moneys received by the
2 Secretary of State Police under subsection (j) of this Section
3 shall be deposited into the Secretary of State Police DUI Fund
4 and, subject to appropriation, shall be used for enforcement
5 and prevention of driving while under the influence of alcohol,
6 other drug or drugs, intoxicating compound or compounds or any
7 combination thereof, as defined by this Section, including but
8 not limited to the purchase of law enforcement equipment and
9 commodities to assist in the prevention of alcohol related
10 criminal violence throughout the State; police officer
11 training and education in areas related to alcohol related
12 crime, including but not limited to DUI training; and police
13 officer salaries, including but not limited to salaries for
14 hire back funding for safety checkpoints, saturation patrols,
15 and liquor store sting operations.

16 (1) Whenever an individual is sentenced for an offense
17 based upon an arrest for a violation of subsection (a) or a
18 similar provision of a local ordinance, and the professional
19 evaluation recommends remedial or rehabilitative treatment or
20 education, neither the treatment nor the education shall be the
21 sole disposition and either or both may be imposed only in
22 conjunction with another disposition. The court shall monitor
23 compliance with any remedial education or treatment
24 recommendations contained in the professional evaluation.
25 Programs conducting alcohol or other drug evaluation or
26 remedial education must be licensed by the Department of Human

1 Services. If the individual is not a resident of Illinois,
2 however, the court may accept an alcohol or other drug
3 evaluation or remedial education program in the individual's
4 state of residence. Programs providing treatment must be
5 licensed under existing applicable alcoholism and drug
6 treatment licensure standards.

7 (m) In addition to any other fine or penalty required by
8 law, an individual convicted of a violation of subsection (a),
9 Section 5-7 of the Snowmobile Registration and Safety Act,
10 Section 5-16 of the Boat Registration and Safety Act, or a
11 similar provision, whose operation of a motor vehicle,
12 snowmobile, or watercraft while in violation of subsection (a),
13 Section 5-7 of the Snowmobile Registration and Safety Act,
14 Section 5-16 of the Boat Registration and Safety Act, or a
15 similar provision proximately caused an incident resulting in
16 an appropriate emergency response, shall be required to make
17 restitution to a public agency for the costs of that emergency
18 response. The restitution may not exceed \$1,000 per public
19 agency for each emergency response. As used in this subsection
20 (m), "emergency response" means any incident requiring a
21 response by a police officer, a firefighter carried on the
22 rolls of a regularly constituted fire department, or an
23 ambulance.

24 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;
25 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;
26 93-840, eff. 7-30-04; 93-1093, eff. 3-29-05; 94-963, eff.

1 6-28-06.)

2 (Text of Section from P.A. 94-110 and 94-963)

3 Sec. 11-501. Driving while under the influence of alcohol,
4 other drug or drugs, intoxicating compound or compounds or any
5 combination thereof.

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

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

11 (2) under the influence of alcohol;

12 (3) under the influence of any intoxicating compound or
13 combination of intoxicating compounds to a degree that
14 renders the person incapable of driving safely;

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

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

21 (6) there is any amount of a drug, substance, or
22 compound in the person's breath, blood, or urine resulting
23 from the unlawful use or consumption of cannabis listed in
24 the Cannabis Control Act, a controlled substance listed in
25 the Illinois Controlled Substances Act, or an intoxicating

1 compound listed in the Use of Intoxicating Compounds Act.

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

7 (b-1) With regard to penalties imposed under this Section:

8 (1) Any reference to a prior violation of subsection
9 (a) or a similar provision includes any violation of a
10 provision of a local ordinance or a provision of a law of
11 another state that is similar to a violation of subsection
12 (a) of this Section.

13 (2) Any penalty imposed for driving with a license that
14 has been revoked for a previous violation of subsection (a)
15 of this Section shall be in addition to the penalty imposed
16 for any subsequent violation of subsection (a).

17 (b-2) Except as otherwise provided in this Section, any
18 person convicted of violating subsection (a) of this Section is
19 guilty of a Class A misdemeanor.

20 (b-3) In addition to any other criminal or administrative
21 sanction for any second conviction of violating subsection (a)
22 or a similar provision committed within 5 years of a previous
23 violation of subsection (a) or a similar provision, the
24 defendant shall be sentenced to a mandatory minimum of 5 days
25 of imprisonment or assigned a mandatory minimum of 240 hours of
26 community service as may be determined by the court.

1 (b-4) In the case of a third or subsequent violation
2 committed within 5 years of a previous violation of subsection
3 (a) or a similar provision, in addition to any other criminal
4 or administrative sanction, a mandatory minimum term of either
5 10 days of imprisonment or 480 hours of community service shall
6 be imposed.

7 (b-5) The imprisonment or assignment of community service
8 under subsections (b-3) and (b-4) shall not be subject to
9 suspension, nor shall the person be eligible for a reduced
10 sentence.

11 (c) (Blank).

12 (c-1) (1) A person who violates subsection (a) during a
13 period in which his or her driving privileges are revoked
14 or suspended, where the revocation or suspension was for a
15 violation of subsection (a), Section 11-501.1, paragraph
16 (b) of Section 11-401, or for reckless homicide as defined
17 in Section 9-3 of the Criminal Code of 1961 is guilty of a
18 Class 4 felony.

19 (2) A person who violates subsection (a) a third time,
20 if the third violation occurs during a period in which his
21 or her driving privileges are revoked or suspended where
22 the revocation or suspension was for a violation of
23 subsection (a), Section 11-501.1, paragraph (b) of Section
24 11-401, or for reckless homicide as defined in Section 9-3
25 of the Criminal Code of 1961, is guilty of a Class 3
26 felony; and if the person receives a term of probation or

1 conditional discharge, he or she shall be required to serve
2 a mandatory minimum of 10 days of imprisonment or shall be
3 assigned a mandatory minimum of 480 hours of community
4 service, as may be determined by the court, as a condition
5 of the probation or conditional discharge. This mandatory
6 minimum term of imprisonment or assignment of community
7 service shall not be suspended or reduced by the court.

8 (2.2) A person who violates subsection (a), if the
9 violation occurs during a period in which his or her
10 driving privileges are revoked or suspended where the
11 revocation or suspension was for a violation of subsection
12 (a) or Section 11-501.1, shall also be sentenced to an
13 additional mandatory minimum term of 30 consecutive days of
14 imprisonment, 40 days of 24-hour periodic imprisonment, or
15 720 hours of community service, as may be determined by the
16 court. This mandatory term of imprisonment or assignment of
17 community service shall not be suspended or reduced by the
18 court.

19 (3) A person who violates subsection (a) a fourth or
20 subsequent time, if the fourth or subsequent violation
21 occurs during a period in which his or her driving
22 privileges are revoked or suspended where the revocation or
23 suspension was for a violation of subsection (a), Section
24 11-501.1, paragraph (b) of Section 11-401, or for reckless
25 homicide as defined in Section 9-3 of the Criminal Code of
26 1961, is guilty of a Class 2 felony and is not eligible for

1 a sentence of probation or conditional discharge.

2 (c-2) (Blank).

3 (c-3) (Blank).

4 (c-4) (Blank).

5 (c-5) Except as provided in subsection (c-5.1), a person 21
6 years of age or older who violates subsection (a), if the
7 person was transporting a person under the age of 16 at the
8 time of the violation, is subject to 6 months of imprisonment,
9 an additional mandatory minimum fine of \$1,000, and 25 days of
10 community service in a program benefiting children. The
11 imprisonment or assignment of community service under this
12 subsection (c-5) is not subject to suspension, nor is the
13 person eligible for a reduced sentence.

14 (c-5.1) A person 21 years of age or older who is convicted
15 of violating subsection (a) of this Section a first time and
16 who in committing that violation was involved in a motor
17 vehicle accident that resulted in bodily harm to the child
18 under the age of 16 being transported by the person, if the
19 violation was the proximate cause of the injury, is guilty of a
20 Class 4 felony and is subject to one year of imprisonment, a
21 mandatory fine of \$2,500, and 25 days of community service in a
22 program benefiting children. The imprisonment or assignment to
23 community service under this subsection (c-5.1) shall not be
24 subject to suspension, nor shall the person be eligible for
25 probation in order to reduce the sentence or assignment.

26 (c-6) Except as provided in subsections (c-7) and (c-7.1),

1 a person 21 years of age or older who violates subsection (a) a
2 second time, if at the time of the second violation the person
3 was transporting a person under the age of 16, is subject to 6
4 months of imprisonment, an additional mandatory minimum fine of
5 \$1,000, and an additional mandatory minimum 140 hours of
6 community service, which shall include 40 hours of community
7 service in a program benefiting children. The imprisonment or
8 assignment of community service under this subsection (c-6) is
9 not subject to suspension, nor is the person eligible for a
10 reduced sentence.

11 (c-7) Except as provided in subsection (c-7.1), any person
12 21 years of age or older convicted of violating subsection
13 (c-6) or a similar provision within 10 years of a previous
14 violation of subsection (a) or a similar provision is guilty of
15 a Class 4 felony and, in addition to any other penalty imposed,
16 is subject to one year of imprisonment, 25 days of mandatory
17 community service in a program benefiting children, and a
18 mandatory fine of \$2,500. The imprisonment or assignment of
19 community service under this subsection (c-7) is not subject to
20 suspension, nor is the person eligible for a reduced sentence.

21 (c-7.1) A person 21 years of age or older who is convicted
22 of violating subsection (a) of this Section a second time
23 within 10 years and who in committing that violation was
24 involved in a motor vehicle accident that resulted in bodily
25 harm to the child under the age of 16 being transported, if the
26 violation was the proximate cause of the injury, is guilty of a

1 Class 4 felony and is subject to 18 months of imprisonment, a
2 mandatory fine of \$5,000, and 25 days of community service in a
3 program benefiting children. The imprisonment or assignment to
4 community service under this subsection (c-7.1) shall not be
5 subject to suspension, nor shall the person be eligible for
6 probation in order to reduce the sentence or assignment.

7 (c-8) (Blank).

8 (c-9) Any person 21 years of age or older convicted a third
9 time for violating subsection (a) or a similar provision, if at
10 the time of the third violation the person was transporting a
11 person under the age of 16, is guilty of a Class 4 felony and is
12 subject to 18 months of imprisonment, a mandatory fine of
13 \$2,500, and 25 days of community service in a program
14 benefiting children. The imprisonment or assignment of
15 community service under this subsection (c-9) is not subject to
16 suspension, nor is the person eligible for a reduced sentence.

17 (c-10) Any person 21 years of age or older convicted of
18 violating subsection (c-9) or a similar provision a third time
19 within 20 years of a previous violation of subsection (a) or a
20 similar provision is guilty of a Class 3 felony and, in
21 addition to any other penalty imposed, is subject to 3 years of
22 imprisonment, 25 days of community service in a program
23 benefiting children, and a mandatory fine of \$25,000. The
24 imprisonment or assignment of community service under this
25 subsection (c-10) is not subject to suspension, nor is the
26 person eligible for a reduced sentence.

1 (c-11) Any person 21 years of age or older convicted a
2 fourth or subsequent time for violating subsection (a) or a
3 similar provision, if at the time of the fourth or subsequent
4 violation the person was transporting a person under the age of
5 16, and if the person's 3 prior violations of subsection (a) or
6 a similar provision occurred while transporting a person under
7 the age of 16 or while the alcohol concentration in his or her
8 blood, breath, or urine was 0.16 or more based on the
9 definition of blood, breath, or urine units in Section
10 11-501.2, is guilty of a Class 2 felony, is not eligible for
11 probation or conditional discharge, and is subject to a minimum
12 fine of \$25,000.

13 (c-12) Any person convicted of a first violation of
14 subsection (a) or a similar provision, if the alcohol
15 concentration in his or her blood, breath, or urine was 0.16 or
16 more based on the definition of blood, breath, or urine units
17 in Section 11-501.2, shall be subject, in addition to any other
18 penalty that may be imposed, to a mandatory minimum of 100
19 hours of community service and a mandatory minimum fine of
20 \$500.

21 (c-13) Any person convicted of a second violation of
22 subsection (a) or a similar provision committed within 10 years
23 of a previous violation of subsection (a) or a similar
24 provision, if at the time of the second violation of subsection
25 (a) or a similar provision the alcohol concentration in his or
26 her blood, breath, or urine was 0.16 or more based on the

1 definition of blood, breath, or urine units in Section
2 11-501.2, shall be subject, in addition to any other penalty
3 that may be imposed, to a mandatory minimum of 2 days of
4 imprisonment and a mandatory minimum fine of \$1,250.

5 (c-14) Any person convicted of a third violation of
6 subsection (a) or a similar provision within 20 years of a
7 previous violation of subsection (a) or a similar provision, if
8 at the time of the third violation of subsection (a) or a
9 similar provision the alcohol concentration in his or her
10 blood, breath, or urine was 0.16 or more based on the
11 definition of blood, breath, or urine units in Section
12 11-501.2, is guilty of a Class 4 felony and shall be subject,
13 in addition to any other penalty that may be imposed, to a
14 mandatory minimum of 90 days of imprisonment and a mandatory
15 minimum fine of \$2,500.

16 (c-15) Any person convicted of a fourth or subsequent
17 violation of subsection (a) or a similar provision, if at the
18 time of the fourth or subsequent violation the alcohol
19 concentration in his or her blood, breath, or urine was 0.16 or
20 more based on the definition of blood, breath, or urine units
21 in Section 11-501.2, and if the person's 3 prior violations of
22 subsection (a) or a similar provision occurred while
23 transporting a person under the age of 16 or while the alcohol
24 concentration in his or her blood, breath, or urine was 0.16 or
25 more based on the definition of blood, breath, or urine units
26 in Section 11-501.2, is guilty of a Class 2 felony and is not

1 eligible for a sentence of probation or conditional discharge
2 and is subject to a minimum fine of \$2,500.

3 (d) (1) Every person convicted of committing a violation of
4 this Section shall be guilty of aggravated driving under
5 the influence of alcohol, other drug or drugs, or
6 intoxicating compound or compounds, or any combination
7 thereof if:

8 (A) the person committed a violation of subsection
9 (a) or a similar provision for the third or subsequent
10 time;

11 (B) the person committed a violation of subsection
12 (a) while driving a school bus with persons 18 years of
13 age or younger on board;

14 (C) the person in committing a violation of
15 subsection (a) was involved in a motor vehicle accident
16 that resulted in great bodily harm or permanent
17 disability or disfigurement to another, when the
18 violation was a proximate cause of the injuries;

19 (D) the person committed a violation of subsection
20 (a) for a second time and has been previously convicted
21 of violating Section 9-3 of the Criminal Code of 1961
22 or a similar provision of a law of another state
23 relating to reckless homicide in which the person was
24 determined to have been under the influence of alcohol,
25 other drug or drugs, or intoxicating compound or
26 compounds as an element of the offense or the person

1 has previously been convicted under subparagraph (C)
2 or subparagraph (F) of this paragraph (1);

3 (E) the person, in committing a violation of
4 subsection (a) while driving at any speed in a school
5 speed zone at a time when a speed limit of 20 miles per
6 hour was in effect under subsection (a) of Section
7 11-605 of this Code, was involved in a motor vehicle
8 accident that resulted in bodily harm, other than great
9 bodily harm or permanent disability or disfigurement,
10 to another person, when the violation of subsection (a)
11 was a proximate cause of the bodily harm; or

12 (F) the person, in committing a violation of
13 subsection (a), was involved in a motor vehicle,
14 snowmobile, all-terrain vehicle, or watercraft
15 accident that resulted in the death of another person,
16 when the violation of subsection (a) was a proximate
17 cause of the death.

18 (2) Except as provided in this paragraph (2), a person
19 convicted of aggravated driving under the influence of
20 alcohol, other drug or drugs, or intoxicating compound or
21 compounds, or any combination thereof is guilty of a Class
22 4 felony. For a violation of subparagraph (C) of paragraph
23 (1) of this subsection (d), the defendant, if sentenced to
24 a term of imprisonment, shall be sentenced to not less than
25 one year nor more than 12 years. Aggravated driving under
26 the influence of alcohol, other drug or drugs, or

1 intoxicating compound or compounds, or any combination
2 thereof as defined in subparagraph (F) of paragraph (1) of
3 this subsection (d) is a Class 2 felony, for which the
4 defendant, if sentenced to a term of imprisonment, shall be
5 sentenced to: (A) a term of imprisonment of not less than 3
6 years and not more than 14 years if the violation resulted
7 in the death of one person; or (B) a term of imprisonment
8 of not less than 6 years and not more than 28 years if the
9 violation resulted in the deaths of 2 or more persons. For
10 any prosecution under this subsection (d), a certified copy
11 of the driving abstract of the defendant shall be admitted
12 as proof of any prior conviction. Any person sentenced
13 under this subsection (d) who receives a term of probation
14 or conditional discharge must serve a minimum term of
15 either 480 hours of community service or 10 days of
16 imprisonment as a condition of the probation or conditional
17 discharge. This mandatory minimum term of imprisonment or
18 assignment of community service may not be suspended or
19 reduced by the court.

20 (e) After a finding of guilt and prior to any final
21 sentencing, or an order for supervision, for an offense based
22 upon an arrest for a violation of this Section or a similar
23 provision of a local ordinance, individuals shall be required
24 to undergo a professional evaluation to determine if an
25 alcohol, drug, or intoxicating compound abuse problem exists
26 and the extent of the problem, and undergo the imposition of

1 treatment as appropriate. Programs conducting these
2 evaluations shall be licensed by the Department of Human
3 Services. The cost of any professional evaluation shall be paid
4 for by the individual required to undergo the professional
5 evaluation.

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

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

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

25 (h) (Blank).

26 (i) The Secretary of State shall require the use of

1 ignition interlock devices on all vehicles owned by an
2 individual who has been convicted of a second or subsequent
3 offense of this Section or a similar provision of a local
4 ordinance. The Secretary shall establish by rule and regulation
5 the procedures for certification and use of the interlock
6 system.

7 (j) In addition to any other penalties and liabilities, a
8 person who is found guilty of or pleads guilty to violating
9 subsection (a), including any person placed on court
10 supervision for violating subsection (a), shall be fined \$500,
11 payable to the circuit clerk, who shall distribute the money as
12 follows: 20% to the law enforcement agency that made the arrest
13 and 80% shall be forwarded to the State Treasurer for deposit
14 into the General Revenue Fund. If the person has been
15 previously convicted of violating subsection (a) or a similar
16 provision of a local ordinance, the fine shall be \$1,000. In
17 the event that more than one agency is responsible for the
18 arrest, the amount payable to law enforcement agencies shall be
19 shared equally. Any moneys received by a law enforcement agency
20 under this subsection (j) shall be used for enforcement and
21 prevention of driving while under the influence of alcohol,
22 other drug or drugs, intoxicating compound or compounds or any
23 combination thereof, as defined by this Section, including but
24 not limited to the purchase of law enforcement equipment and
25 commodities that will assist in the prevention of alcohol
26 related criminal violence throughout the State; police officer

1 training and education in areas related to alcohol related
2 crime, including but not limited to DUI training; and police
3 officer salaries, including but not limited to salaries for
4 hire back funding for safety checkpoints, saturation patrols,
5 and liquor store sting operations. Equipment and commodities
6 shall include, but are not limited to, in-car video cameras,
7 radar and laser speed detection devices, and alcohol breath
8 testers. Any moneys received by the Department of State Police
9 under this subsection (j) shall be deposited into the State
10 Police DUI Fund and shall be used for enforcement and
11 prevention of driving while under the influence of alcohol,
12 other drug or drugs, intoxicating compound or compounds or any
13 combination thereof, as defined by this Section, including but
14 not limited to the purchase of law enforcement equipment and
15 commodities that will assist in the prevention of alcohol
16 related criminal violence throughout the State; police officer
17 training and education in areas related to alcohol related
18 crime, including but not limited to DUI training; and police
19 officer salaries, including but not limited to salaries for
20 hire back funding for safety checkpoints, saturation patrols,
21 and liquor store sting operations.

22 (k) The Secretary of State Police DUI Fund is created as a
23 special fund in the State treasury. All moneys received by the
24 Secretary of State Police under subsection (j) of this Section
25 shall be deposited into the Secretary of State Police DUI Fund
26 and, subject to appropriation, shall be used for enforcement

1 and prevention of driving while under the influence of alcohol,
2 other drug or drugs, intoxicating compound or compounds or any
3 combination thereof, as defined by this Section, including but
4 not limited to the purchase of law enforcement equipment and
5 commodities to assist in the prevention of alcohol related
6 criminal violence throughout the State; police officer
7 training and education in areas related to alcohol related
8 crime, including but not limited to DUI training; and police
9 officer salaries, including but not limited to salaries for
10 hire back funding for safety checkpoints, saturation patrols,
11 and liquor store sting operations.

12 (1) Whenever an individual is sentenced for an offense
13 based upon an arrest for a violation of subsection (a) or a
14 similar provision of a local ordinance, and the professional
15 evaluation recommends remedial or rehabilitative treatment or
16 education, neither the treatment nor the education shall be the
17 sole disposition and either or both may be imposed only in
18 conjunction with another disposition. The court shall monitor
19 compliance with any remedial education or treatment
20 recommendations contained in the professional evaluation.
21 Programs conducting alcohol or other drug evaluation or
22 remedial education must be licensed by the Department of Human
23 Services. If the individual is not a resident of Illinois,
24 however, the court may accept an alcohol or other drug
25 evaluation or remedial education program in the individual's
26 state of residence. Programs providing treatment must be

1 licensed under existing applicable alcoholism and drug
2 treatment licensure standards.

3 (m) In addition to any other fine or penalty required by
4 law, an individual convicted of a violation of subsection (a),
5 Section 5-7 of the Snowmobile Registration and Safety Act,
6 Section 5-16 of the Boat Registration and Safety Act, or a
7 similar provision, whose operation of a motor vehicle,
8 snowmobile, or watercraft while in violation of subsection (a),
9 Section 5-7 of the Snowmobile Registration and Safety Act,
10 Section 5-16 of the Boat Registration and Safety Act, or a
11 similar provision proximately caused an incident resulting in
12 an appropriate emergency response, shall be required to make
13 restitution to a public agency for the costs of that emergency
14 response. The restitution may not exceed \$1,000 per public
15 agency for each emergency response. As used in this subsection
16 (m), "emergency response" means any incident requiring a
17 response by a police officer, a firefighter carried on the
18 rolls of a regularly constituted fire department, or an
19 ambulance.

20 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;
21 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;
22 93-840, eff. 7-30-04; 94-110, eff. 1-1-06; 94-963, eff.
23 6-28-06.)

24 (Text of Section from P.A. 94-113, 94-609, and 94-963)
25 Sec. 11-501. Driving while under the influence of alcohol,

1 other drug or drugs, intoxicating compound or compounds or any
2 combination thereof.

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

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

8 (2) under the influence of alcohol;

9 (3) under the influence of any intoxicating compound or
10 combination of intoxicating compounds to a degree that
11 renders the person incapable of driving safely;

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

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

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

24 (b) The fact that any person charged with violating this
25 Section is or has been legally entitled to use alcohol, other
26 drug or drugs, or intoxicating compound or compounds, or any

1 combination thereof, shall not constitute a defense against any
2 charge of violating this Section.

3 (b-1) With regard to penalties imposed under this Section:

4 (1) Any reference to a prior violation of subsection
5 (a) or a similar provision includes any violation of a
6 provision of a local ordinance or a provision of a law of
7 another state that is similar to a violation of subsection
8 (a) of this Section.

9 (2) Any penalty imposed for driving with a license that
10 has been revoked for a previous violation of subsection (a)
11 of this Section shall be in addition to the penalty imposed
12 for any subsequent violation of subsection (a).

13 (b-2) Except as otherwise provided in this Section, any
14 person convicted of violating subsection (a) of this Section is
15 guilty of a Class A misdemeanor.

16 (b-3) In addition to any other criminal or administrative
17 sanction for any second conviction of violating subsection (a)
18 or a similar provision committed within 5 years of a previous
19 violation of subsection (a) or a similar provision, the
20 defendant shall be sentenced to a mandatory minimum of 5 days
21 of imprisonment or assigned a mandatory minimum of 240 hours of
22 community service as may be determined by the court.

23 (b-4) In the case of a third or subsequent violation
24 committed within 5 years of a previous violation of subsection
25 (a) or a similar provision, in addition to any other criminal
26 or administrative sanction, a mandatory minimum term of either

1 10 days of imprisonment or 480 hours of community service shall
2 be imposed.

3 (b-5) The imprisonment or assignment of community service
4 under subsections (b-3) and (b-4) shall not be subject to
5 suspension, nor shall the person be eligible for a reduced
6 sentence.

7 (c) (Blank).

8 (c-1) (1) A person who violates subsection (a) during a
9 period in which his or her driving privileges are revoked
10 or suspended, where the revocation or suspension was for a
11 violation of subsection (a), Section 11-501.1, paragraph
12 (b) of Section 11-401, or for reckless homicide as defined
13 in Section 9-3 of the Criminal Code of 1961 is guilty of a
14 Class 4 felony.

15 (2) A person who violates subsection (a) a third time,
16 if the third violation occurs during a period in which his
17 or her driving privileges are revoked or suspended where
18 the revocation or suspension was for a violation of
19 subsection (a), Section 11-501.1, paragraph (b) of Section
20 11-401, or for reckless homicide as defined in Section 9-3
21 of the Criminal Code of 1961, is guilty of a Class 3
22 felony.

23 (2.1) A person who violates subsection (a) a third
24 time, if the third violation occurs during a period in
25 which his or her driving privileges are revoked or
26 suspended where the revocation or suspension was for a

1 violation of subsection (a), Section 11-501.1, subsection
2 (b) of Section 11-401, or for reckless homicide as defined
3 in Section 9-3 of the Criminal Code of 1961, is guilty of a
4 Class 3 felony; and if the person receives a term of
5 probation or conditional discharge, he or she shall be
6 required to serve a mandatory minimum of 10 days of
7 imprisonment or shall be assigned a mandatory minimum of
8 480 hours of community service, as may be determined by the
9 court, as a condition of the probation or conditional
10 discharge. This mandatory minimum term of imprisonment or
11 assignment of community service shall not be suspended or
12 reduced by the court.

13 (2.2) A person who violates subsection (a), if the
14 violation occurs during a period in which his or her
15 driving privileges are revoked or suspended where the
16 revocation or suspension was for a violation of subsection
17 (a) or Section 11-501.1, shall also be sentenced to an
18 additional mandatory minimum term of 30 consecutive days of
19 imprisonment, 40 days of 24-hour periodic imprisonment, or
20 720 hours of community service, as may be determined by the
21 court. This mandatory term of imprisonment or assignment of
22 community service shall not be suspended or reduced by the
23 court.

24 (3) A person who violates subsection (a) a fourth or
25 subsequent time, if the fourth or subsequent violation
26 occurs during a period in which his or her driving

1 privileges are revoked or suspended where the revocation or
2 suspension was for a violation of subsection (a), Section
3 11-501.1, paragraph (b) of Section 11-401, or for reckless
4 homicide as defined in Section 9-3 of the Criminal Code of
5 1961, is guilty of a Class 2 felony and is not eligible for
6 a sentence of probation or conditional discharge.

7 (c-2) (Blank).

8 (c-3) (Blank).

9 (c-4) (Blank).

10 (c-5) A person who violates subsection (a), if the person
11 was transporting a person under the age of 16 at the time of
12 the violation, is subject to an additional mandatory minimum
13 fine of \$1,000, an additional mandatory minimum 140 hours of
14 community service, which shall include 40 hours of community
15 service in a program benefiting children, and an additional 2
16 days of imprisonment. The imprisonment or assignment of
17 community service under this subsection (c-5) is not subject to
18 suspension, nor is the person eligible for a reduced sentence.

19 (c-6) Except as provided in subsections (c-7) and (c-8) a
20 person who violates subsection (a) a second time, if at the
21 time of the second violation the person was transporting a
22 person under the age of 16, is subject to an additional 10 days
23 of imprisonment, an additional mandatory minimum fine of
24 \$1,000, and an additional mandatory minimum 140 hours of
25 community service, which shall include 40 hours of community
26 service in a program benefiting children. The imprisonment or

1 assignment of community service under this subsection (c-6) is
2 not subject to suspension, nor is the person eligible for a
3 reduced sentence.

4 (c-7) Except as provided in subsection (c-8), any person
5 convicted of violating subsection (c-6) or a similar provision
6 within 10 years of a previous violation of subsection (a) or a
7 similar provision shall receive, in addition to any other
8 penalty imposed, a mandatory minimum 12 days imprisonment, an
9 additional 40 hours of mandatory community service in a program
10 benefiting children, and a mandatory minimum fine of \$1,750.
11 The imprisonment or assignment of community service under this
12 subsection (c-7) is not subject to suspension, nor is the
13 person eligible for a reduced sentence.

14 (c-8) Any person convicted of violating subsection (c-6) or
15 a similar provision within 5 years of a previous violation of
16 subsection (a) or a similar provision shall receive, in
17 addition to any other penalty imposed, an additional 80 hours
18 of mandatory community service in a program benefiting
19 children, an additional mandatory minimum 12 days of
20 imprisonment, and a mandatory minimum fine of \$1,750. The
21 imprisonment or assignment of community service under this
22 subsection (c-8) is not subject to suspension, nor is the
23 person eligible for a reduced sentence.

24 (c-9) Any person convicted a third time for violating
25 subsection (a) or a similar provision, if at the time of the
26 third violation the person was transporting a person under the

1 age of 16, is guilty of a Class 4 felony and shall receive, in
2 addition to any other penalty imposed, an additional mandatory
3 fine of \$1,000, an additional mandatory 140 hours of community
4 service, which shall include 40 hours in a program benefiting
5 children, and a mandatory minimum 30 days of imprisonment. The
6 imprisonment or assignment of community service under this
7 subsection (c-9) is not subject to suspension, nor is the
8 person eligible for a reduced sentence.

9 (c-10) Any person convicted of violating subsection (c-9)
10 or a similar provision a third time within 20 years of a
11 previous violation of subsection (a) or a similar provision is
12 guilty of a Class 4 felony and shall receive, in addition to
13 any other penalty imposed, an additional mandatory 40 hours of
14 community service in a program benefiting children, an
15 additional mandatory fine of \$3,000, and a mandatory minimum
16 120 days of imprisonment. The imprisonment or assignment of
17 community service under this subsection (c-10) is not subject
18 to suspension, nor is the person eligible for a reduced
19 sentence.

20 (c-11) Any person convicted a fourth or subsequent time for
21 violating subsection (a) or a similar provision, if at the time
22 of the fourth or subsequent violation the person was
23 transporting a person under the age of 16, and if the person's
24 3 prior violations of subsection (a) or a similar provision
25 occurred while transporting a person under the age of 16 or
26 while the alcohol concentration in his or her blood, breath, or

1 urine was 0.16 or more based on the definition of blood,
2 breath, or urine units in Section 11-501.2, is guilty of a
3 Class 2 felony, is not eligible for probation or conditional
4 discharge, and is subject to a minimum fine of \$3,000.

5 (c-12) Any person convicted of a first violation of
6 subsection (a) or a similar provision, if the alcohol
7 concentration in his or her blood, breath, or urine was 0.16 or
8 more based on the definition of blood, breath, or urine units
9 in Section 11-501.2, shall be subject, in addition to any other
10 penalty that may be imposed, to a mandatory minimum of 100
11 hours of community service and a mandatory minimum fine of
12 \$500.

13 (c-13) Any person convicted of a second violation of
14 subsection (a) or a similar provision committed within 10 years
15 of a previous violation of subsection (a) or a similar
16 provision committed within 10 years of a previous violation of
17 subsection (a) or a similar provision, if at the time of the
18 second violation of subsection (a) the alcohol concentration in
19 his or her blood, breath, or urine was 0.16 or more based on
20 the definition of blood, breath, or urine units in Section
21 11-501.2, shall be subject, in addition to any other penalty
22 that may be imposed, to a mandatory minimum of 2 days of
23 imprisonment and a mandatory minimum fine of \$1,250.

24 (c-14) Any person convicted of a third violation of
25 subsection (a) or a similar provision within 20 years of a
26 previous violation of subsection (a) or a similar provision, if

1 at the time of the third violation of subsection (a) or a
2 similar provision the alcohol concentration in his or her
3 blood, breath, or urine was 0.16 or more based on the
4 definition of blood, breath, or urine units in Section
5 11-501.2, is guilty of a Class 4 felony and shall be subject,
6 in addition to any other penalty that may be imposed, to a
7 mandatory minimum of 90 days of imprisonment and a mandatory
8 minimum fine of \$2,500.

9 (c-15) Any person convicted of a fourth or subsequent
10 violation of subsection (a) or a similar provision, if at the
11 time of the fourth or subsequent violation the alcohol
12 concentration in his or her blood, breath, or urine was 0.16 or
13 more based on the definition of blood, breath, or urine units
14 in Section 11-501.2, and if the person's 3 prior violations of
15 subsection (a) or a similar provision occurred while
16 transporting a person under the age of 16 or while the alcohol
17 concentration in his or her blood, breath, or urine was 0.16 or
18 more based on the definition of blood, breath, or urine units
19 in Section 11-501.2, is guilty of a Class 2 felony and is not
20 eligible for a sentence of probation or conditional discharge
21 and is subject to a minimum fine of \$2,500.

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

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

4 (B) the person committed a violation of subsection
5 (a) while driving a school bus with persons 18 years of
6 age or younger on board;

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

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

22 (E) the person, in committing a violation of
23 subsection (a) while driving at any speed in a school
24 speed zone at a time when a speed limit of 20 miles per
25 hour was in effect under subsection (a) of Section
26 11-605 of this Code, was involved in a motor vehicle

1 accident that resulted in bodily harm, other than great
2 bodily harm or permanent disability or disfigurement,
3 to another person, when the violation of subsection (a)
4 was a proximate cause of the bodily harm; or

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

11 (2) Except as provided in this paragraph (2), a person
12 convicted of aggravated driving under the influence of
13 alcohol, other drug or drugs, or intoxicating compound or
14 compounds, or any combination thereof is guilty of a Class
15 4 felony. For a violation of subparagraph (C) of paragraph
16 (1) of this subsection (d), the defendant, if sentenced to
17 a term of imprisonment, shall be sentenced to not less than
18 one year nor more than 12 years. Aggravated driving under
19 the influence of alcohol, other drug or drugs, or
20 intoxicating compound or compounds, or any combination
21 thereof as defined in subparagraph (F) of paragraph (1) of
22 this subsection (d) is a Class 2 felony, for which the
23 defendant, unless the court determines that extraordinary
24 circumstances exist and require probation, shall be
25 sentenced to: (A) a term of imprisonment of not less than 3
26 years and not more than 14 years if the violation resulted

1 in the death of one person; or (B) a term of imprisonment
2 of not less than 6 years and not more than 28 years if the
3 violation resulted in the deaths of 2 or more persons. For
4 any prosecution under this subsection (d), a certified copy
5 of the driving abstract of the defendant shall be admitted
6 as proof of any prior conviction. Any person sentenced
7 under this subsection (d) who receives a term of probation
8 or conditional discharge must serve a minimum term of
9 either 480 hours of community service or 10 days of
10 imprisonment as a condition of the probation or conditional
11 discharge. This mandatory minimum term of imprisonment or
12 assignment of community service may not be suspended or
13 reduced by the court.

14 (e) After a finding of guilt and prior to any final
15 sentencing, or an order for supervision, for an offense based
16 upon an arrest for a violation of this Section or a similar
17 provision of a local ordinance, individuals shall be required
18 to undergo a professional evaluation to determine if an
19 alcohol, drug, or intoxicating compound abuse problem exists
20 and the extent of the problem, and undergo the imposition of
21 treatment as appropriate. Programs conducting these
22 evaluations shall be licensed by the Department of Human
23 Services. The cost of any professional evaluation shall be paid
24 for by the individual required to undergo the professional
25 evaluation.

26 (e-1) Any person who is found guilty of or pleads guilty to

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

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

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

19 (h) (Blank).

20 (i) The Secretary of State shall require the use of
21 ignition interlock devices on all vehicles owned by an
22 individual who has been convicted of a second or subsequent
23 offense of this Section or a similar provision of a local
24 ordinance. The Secretary shall establish by rule and regulation
25 the procedures for certification and use of the interlock
26 system.

1 (j) In addition to any other penalties and liabilities, a
2 person who is found guilty of or pleads guilty to violating
3 subsection (a), including any person placed on court
4 supervision for violating subsection (a), shall be fined \$500,
5 payable to the circuit clerk, who shall distribute the money as
6 follows: 20% to the law enforcement agency that made the arrest
7 and 80% shall be forwarded to the State Treasurer for deposit
8 into the General Revenue Fund. If the person has been
9 previously convicted of violating subsection (a) or a similar
10 provision of a local ordinance, the fine shall be \$1,000. In
11 the event that more than one agency is responsible for the
12 arrest, the amount payable to law enforcement agencies shall be
13 shared equally. Any moneys received by a law enforcement agency
14 under this subsection (j) shall be used for enforcement and
15 prevention of driving while under the influence of alcohol,
16 other drug or drugs, intoxicating compound or compounds or any
17 combination thereof, as defined by this Section, including but
18 not limited to the purchase of law enforcement equipment and
19 commodities that will assist in the prevention of alcohol
20 related criminal violence throughout the State; police officer
21 training and education in areas related to alcohol related
22 crime, including but not limited to DUI training; and police
23 officer salaries, including but not limited to salaries for
24 hire back funding for safety checkpoints, saturation patrols,
25 and liquor store sting operations. Equipment and commodities
26 shall include, but are not limited to, in-car video cameras,

1 radar and laser speed detection devices, and alcohol breath
2 testers. Any moneys received by the Department of State Police
3 under this subsection (j) shall be deposited into the State
4 Police DUI Fund and shall be used for enforcement and
5 prevention of driving while under the influence of alcohol,
6 other drug or drugs, intoxicating compound or compounds or any
7 combination thereof, as defined by this Section, including but
8 not limited to the purchase of law enforcement equipment and
9 commodities that will assist in the prevention of alcohol
10 related criminal violence throughout the State; police officer
11 training and education in areas related to alcohol related
12 crime, including but not limited to DUI training; and police
13 officer salaries, including but not limited to salaries for
14 hire back funding for safety checkpoints, saturation patrols,
15 and liquor store sting operations.

16 (k) The Secretary of State Police DUI Fund is created as a
17 special fund in the State treasury. All moneys received by the
18 Secretary of State Police under subsection (j) of this Section
19 shall be deposited into the Secretary of State Police DUI Fund
20 and, subject to appropriation, shall be used for enforcement
21 and prevention of driving while under the influence of alcohol,
22 other drug or drugs, intoxicating compound or compounds or any
23 combination thereof, as defined by this Section, including but
24 not limited to the purchase of law enforcement equipment and
25 commodities to assist in the prevention of alcohol related
26 criminal violence throughout the State; police officer

1 training and education in areas related to alcohol related
2 crime, including but not limited to DUI training; and police
3 officer salaries, including but not limited to salaries for
4 hire back funding for safety checkpoints, saturation patrols,
5 and liquor store sting operations.

6 (l) Whenever an individual is sentenced for an offense
7 based upon an arrest for a violation of subsection (a) or a
8 similar provision of a local ordinance, and the professional
9 evaluation recommends remedial or rehabilitative treatment or
10 education, neither the treatment nor the education shall be the
11 sole disposition and either or both may be imposed only in
12 conjunction with another disposition. The court shall monitor
13 compliance with any remedial education or treatment
14 recommendations contained in the professional evaluation.
15 Programs conducting alcohol or other drug evaluation or
16 remedial education must be licensed by the Department of Human
17 Services. If the individual is not a resident of Illinois,
18 however, the court may accept an alcohol or other drug
19 evaluation or remedial education program in the individual's
20 state of residence. Programs providing treatment must be
21 licensed under existing applicable alcoholism and drug
22 treatment licensure standards.

23 (m) In addition to any other fine or penalty required by
24 law, an individual convicted of a violation of subsection (a),
25 Section 5-7 of the Snowmobile Registration and Safety Act,
26 Section 5-16 of the Boat Registration and Safety Act, or a

1 similar provision, whose operation of a motor vehicle,
2 snowmobile, or watercraft while in violation of subsection (a),
3 Section 5-7 of the Snowmobile Registration and Safety Act,
4 Section 5-16 of the Boat Registration and Safety Act, or a
5 similar provision proximately caused an incident resulting in
6 an appropriate emergency response, shall be required to make
7 restitution to a public agency for the costs of that emergency
8 response. The restitution may not exceed \$1,000 per public
9 agency for each emergency response. As used in this subsection
10 (m), "emergency response" means any incident requiring a
11 response by a police officer, a firefighter carried on the
12 rolls of a regularly constituted fire department, or an
13 ambulance.

14 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;
15 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;
16 93-840, eff. 7-30-04; 94-113, eff. 1-1-06; 94-609, eff. 1-1-06;
17 94-963, eff. 6-28-06.)

18 (Text of Section from P.A. 94-114 and 94-963)

19 Sec. 11-501. Driving while under the influence of alcohol,
20 other drug or drugs, intoxicating compound or compounds or any
21 combination thereof.

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

24 (1) the alcohol concentration in the person's blood or
25 breath is 0.08 or more based on the definition of blood and

1 breath units in Section 11-501.2;

2 (2) under the influence of alcohol;

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

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

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

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

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

23 (b-1) With regard to penalties imposed under this Section:

24 (1) Any reference to a prior violation of subsection
25 (a) or a similar provision includes any violation of a
26 provision of a local ordinance or a provision of a law of

1 another state that is similar to a violation of subsection
2 (a) of this Section.

3 (2) Any penalty imposed for driving with a license that
4 has been revoked for a previous violation of subsection (a)
5 of this Section shall be in addition to the penalty imposed
6 for any subsequent violation of subsection (a).

7 (b-2) Except as otherwise provided in this Section, any
8 person convicted of violating subsection (a) of this Section is
9 guilty of a Class A misdemeanor.

10 (b-3) In addition to any other criminal or administrative
11 sanction for any second conviction of violating subsection (a)
12 or a similar provision committed within 5 years of a previous
13 violation of subsection (a) or a similar provision, the
14 defendant shall be sentenced to a mandatory minimum of 5 days
15 of imprisonment or assigned a mandatory minimum of 240 hours of
16 community service as may be determined by the court.

17 (b-4) In the case of a third or subsequent violation
18 committed within 5 years of a previous violation of subsection
19 (a) or a similar provision, in addition to any other criminal
20 or administrative sanction, a mandatory minimum term of either
21 10 days of imprisonment or 480 hours of community service shall
22 be imposed.

23 (b-5) The imprisonment or assignment of community service
24 under subsections (b-3) and (b-4) shall not be subject to
25 suspension, nor shall the person be eligible for a reduced
26 sentence.

1 (c) (Blank).

2 (c-1) (1) A person who violates subsection (a) during a
3 period in which his or her driving privileges are revoked
4 or suspended, where the revocation or suspension was for a
5 violation of subsection (a), Section 11-501.1, paragraph
6 (b) of Section 11-401, or for reckless homicide as defined
7 in Section 9-3 of the Criminal Code of 1961 is guilty of a
8 Class 4 felony.

9 (2) A person who violates subsection (a) a third time,
10 if the third violation occurs during a period in which his
11 or her driving privileges are revoked or suspended where
12 the revocation or suspension was for a violation of
13 subsection (a), Section 11-501.1, paragraph (b) of Section
14 11-401, or for reckless homicide as defined in Section 9-3
15 of the Criminal Code of 1961, is guilty of a Class 3
16 felony.

17 (2.1) A person who violates subsection (a) a third
18 time, if the third violation occurs during a period in
19 which his or her driving privileges are revoked or
20 suspended where the revocation or suspension was for a
21 violation of subsection (a), Section 11-501.1, subsection
22 (b) of Section 11-401, or for reckless homicide as defined
23 in Section 9-3 of the Criminal Code of 1961, is guilty of a
24 Class 3 felony; and if the person receives a term of
25 probation or conditional discharge, he or she shall be
26 required to serve a mandatory minimum of 10 days of

1 imprisonment or shall be assigned a mandatory minimum of
2 480 hours of community service, as may be determined by the
3 court, as a condition of the probation or conditional
4 discharge. This mandatory minimum term of imprisonment or
5 assignment of community service shall not be suspended or
6 reduced by the court.

7 (2.2) A person who violates subsection (a), if the
8 violation occurs during a period in which his or her
9 driving privileges are revoked or suspended where the
10 revocation or suspension was for a violation of subsection
11 (a) or Section 11-501.1, shall also be sentenced to an
12 additional mandatory minimum term of 30 consecutive days of
13 imprisonment, 40 days of 24-hour periodic imprisonment, or
14 720 hours of community service, as may be determined by the
15 court. This mandatory term of imprisonment or assignment of
16 community service shall not be suspended or reduced by the
17 court.

18 (3) A person who violates subsection (a) a fourth or
19 fifth time, if the fourth or fifth violation occurs during
20 a period in which his or her driving privileges are revoked
21 or suspended where the revocation or suspension was for a
22 violation of subsection (a), Section 11-501.1, paragraph
23 (b) of Section 11-401, or for reckless homicide as defined
24 in Section 9-3 of the Criminal Code of 1961, is guilty of a
25 Class 2 felony and is not eligible for a sentence of
26 probation or conditional discharge.

1 (c-2) (Blank).

2 (c-3) (Blank).

3 (c-4) (Blank).

4 (c-5) A person who violates subsection (a), if the person
5 was transporting a person under the age of 16 at the time of
6 the violation, is subject to an additional mandatory minimum
7 fine of \$1,000, an additional mandatory minimum 140 hours of
8 community service, which shall include 40 hours of community
9 service in a program benefiting children, and an additional 2
10 days of imprisonment. The imprisonment or assignment of
11 community service under this subsection (c-5) is not subject to
12 suspension, nor is the person eligible for a reduced sentence.

13 (c-6) Except as provided in subsections (c-7) and (c-8) a
14 person who violates subsection (a) a second time, if at the
15 time of the second violation the person was transporting a
16 person under the age of 16, is subject to an additional 10 days
17 of imprisonment, an additional mandatory minimum fine of
18 \$1,000, and an additional mandatory minimum 140 hours of
19 community service, which shall include 40 hours of community
20 service in a program benefiting children. The imprisonment or
21 assignment of community service under this subsection (c-6) is
22 not subject to suspension, nor is the person eligible for a
23 reduced sentence.

24 (c-7) Except as provided in subsection (c-8), any person
25 convicted of violating subsection (c-6) or a similar provision
26 within 10 years of a previous violation of subsection (a) or a

1 similar provision shall receive, in addition to any other
2 penalty imposed, a mandatory minimum 12 days imprisonment, an
3 additional 40 hours of mandatory community service in a program
4 benefiting children, and a mandatory minimum fine of \$1,750.
5 The imprisonment or assignment of community service under this
6 subsection (c-7) is not subject to suspension, nor is the
7 person eligible for a reduced sentence.

8 (c-8) Any person convicted of violating subsection (c-6) or
9 a similar provision within 5 years of a previous violation of
10 subsection (a) or a similar provision shall receive, in
11 addition to any other penalty imposed, an additional 80 hours
12 of mandatory community service in a program benefiting
13 children, an additional mandatory minimum 12 days of
14 imprisonment, and a mandatory minimum fine of \$1,750. The
15 imprisonment or assignment of community service under this
16 subsection (c-8) is not subject to suspension, nor is the
17 person eligible for a reduced sentence.

18 (c-9) Any person convicted a third time for violating
19 subsection (a) or a similar provision, if at the time of the
20 third violation the person was transporting a person under the
21 age of 16, is guilty of a Class 4 felony and shall receive, in
22 addition to any other penalty imposed, an additional mandatory
23 fine of \$1,000, an additional mandatory 140 hours of community
24 service, which shall include 40 hours in a program benefiting
25 children, and a mandatory minimum 30 days of imprisonment. The
26 imprisonment or assignment of community service under this

1 subsection (c-9) is not subject to suspension, nor is the
2 person eligible for a reduced sentence.

3 (c-10) Any person convicted of violating subsection (c-9)
4 or a similar provision a third time within 20 years of a
5 previous violation of subsection (a) or a similar provision is
6 guilty of a Class 4 felony and shall receive, in addition to
7 any other penalty imposed, an additional mandatory 40 hours of
8 community service in a program benefiting children, an
9 additional mandatory fine of \$3,000, and a mandatory minimum
10 120 days of imprisonment. The imprisonment or assignment of
11 community service under this subsection (c-10) is not subject
12 to suspension, nor is the person eligible for a reduced
13 sentence.

14 (c-11) Any person convicted a fourth or fifth time for
15 violating subsection (a) or a similar provision, if at the time
16 of the fourth or fifth violation the person was transporting a
17 person under the age of 16, and if the person's 3 prior
18 violations of subsection (a) or a similar provision occurred
19 while transporting a person under the age of 16 or while the
20 alcohol concentration in his or her blood, breath, or urine was
21 0.16 or more based on the definition of blood, breath, or urine
22 units in Section 11-501.2, is guilty of a Class 2 felony, is
23 not eligible for probation or conditional discharge, and is
24 subject to a minimum fine of \$3,000.

25 (c-12) Any person convicted of a first violation of
26 subsection (a) or a similar provision, if the alcohol

1 concentration in his or her blood, breath, or urine was 0.16 or
2 more based on the definition of blood, breath, or urine units
3 in Section 11-501.2, shall be subject, in addition to any other
4 penalty that may be imposed, to a mandatory minimum of 100
5 hours of community service and a mandatory minimum fine of
6 \$500.

7 (c-13) Any person convicted of a second violation of
8 subsection (a) or a similar provision committed within 10 years
9 of a previous violation of subsection (a) or a similar
10 provision committed within 10 years of a previous violation of
11 subsection (a) or a similar provision, if at the time of the
12 second violation of subsection (a) the alcohol concentration in
13 his or her blood, breath, or urine was 0.16 or more based on
14 the definition of blood, breath, or urine units in Section
15 11-501.2, shall be subject, in addition to any other penalty
16 that may be imposed, to a mandatory minimum of 2 days of
17 imprisonment and a mandatory minimum fine of \$1,250.

18 (c-14) Any person convicted of a third violation of
19 subsection (a) or a similar provision within 20 years of a
20 previous violation of subsection (a) or a similar provision, if
21 at the time of the third violation of subsection (a) or a
22 similar provision the alcohol concentration in his or her
23 blood, breath, or urine was 0.16 or more based on the
24 definition of blood, breath, or urine units in Section
25 11-501.2, is guilty of a Class 4 felony and shall be subject,
26 in addition to any other penalty that may be imposed, to a

1 mandatory minimum of 90 days of imprisonment and a mandatory
2 minimum fine of \$2,500.

3 (c-15) Any person convicted of a fourth or fifth violation
4 of subsection (a) or a similar provision, if at the time of the
5 fourth or fifth violation the alcohol concentration in his or
6 her blood, breath, or urine was 0.16 or more based on the
7 definition of blood, breath, or urine units in Section
8 11-501.2, and if the person's 3 prior violations of subsection
9 (a) or a similar provision occurred while transporting a person
10 under the age of 16 or while the alcohol concentration in his
11 or her blood, breath, or urine was 0.16 or more based on the
12 definition of blood, breath, or urine units in Section
13 11-501.2, is guilty of a Class 2 felony and is not eligible for
14 a sentence of probation or conditional discharge and is subject
15 to a minimum fine of \$2,500.

16 (c-16) Any person convicted of a sixth or subsequent
17 violation of subsection (a) is guilty of a Class X felony.

18 (d) (1) Every person convicted of committing a violation of
19 this Section shall be guilty of aggravated driving under
20 the influence of alcohol, other drug or drugs, or
21 intoxicating compound or compounds, or any combination
22 thereof if:

23 (A) the person committed a violation of subsection
24 (a) or a similar provision for the third or subsequent
25 time;

26 (B) the person committed a violation of subsection

1 (a) while driving a school bus with persons 18 years of
2 age or younger on board;

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

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

18 (E) the person, in committing a violation of
19 subsection (a) while driving at any speed in a school
20 speed zone at a time when a speed limit of 20 miles per
21 hour was in effect under subsection (a) of Section
22 11-605 of this Code, was involved in a motor vehicle
23 accident that resulted in bodily harm, other than great
24 bodily harm or permanent disability or disfigurement,
25 to another person, when the violation of subsection (a)
26 was a proximate cause of the bodily harm; or

1 (F) the person, in committing a violation of
2 subsection (a), was involved in a motor vehicle,
3 snowmobile, all-terrain vehicle, or watercraft
4 accident that resulted in the death of another person,
5 when the violation of subsection (a) was a proximate
6 cause of the death.

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

1 as proof of any prior conviction. Any person sentenced
2 under this subsection (d) who receives a term of probation
3 or conditional discharge must serve a minimum term of
4 either 480 hours of community service or 10 days of
5 imprisonment as a condition of the probation or conditional
6 discharge. This mandatory minimum term of imprisonment or
7 assignment of community service may not be suspended or
8 reduced by the court.

9 (e) After a finding of guilt and prior to any final
10 sentencing, or an order for supervision, for an offense based
11 upon an arrest for a violation of this Section or a similar
12 provision of a local ordinance, individuals shall be required
13 to undergo a professional evaluation to determine if an
14 alcohol, drug, or intoxicating compound abuse problem exists
15 and the extent of the problem, and undergo the imposition of
16 treatment as appropriate. Programs conducting these
17 evaluations shall be licensed by the Department of Human
18 Services. The cost of any professional evaluation shall be paid
19 for by the individual required to undergo the professional
20 evaluation.

21 (e-1) Any person who is found guilty of or pleads guilty to
22 violating this Section, including any person receiving a
23 disposition of court supervision for violating this Section,
24 may be required by the Court to attend a victim impact panel
25 offered by, or under contract with, a County State's Attorney's
26 office, a probation and court services department, Mothers

1 Against Drunk Driving, or the Alliance Against Intoxicated
2 Motorists. All costs generated by the victim impact panel shall
3 be paid from fees collected from the offender or as may be
4 determined by the court.

5 (f) Every person found guilty of violating this Section,
6 whose operation of a motor vehicle while in violation of this
7 Section proximately caused any incident resulting in an
8 appropriate emergency response, shall be liable for the expense
9 of an emergency response as provided in subsection (m) of this
10 Section ~~under Section 5-5-3 of the Unified Code of Corrections.~~

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

14 (h) (Blank).

15 (i) The Secretary of State shall require the use of
16 ignition interlock devices on all vehicles owned by an
17 individual who has been convicted of a second or subsequent
18 offense of this Section or a similar provision of a local
19 ordinance. The Secretary shall establish by rule and regulation
20 the procedures for certification and use of the interlock
21 system.

22 (j) In addition to any other penalties and liabilities, a
23 person who is found guilty of or pleads guilty to violating
24 subsection (a), including any person placed on court
25 supervision for violating subsection (a), shall be fined \$500,
26 payable to the circuit clerk, who shall distribute the money as

1 follows: 20% to the law enforcement agency that made the arrest
2 and 80% shall be forwarded to the State Treasurer for deposit
3 into the General Revenue Fund. If the person has been
4 previously convicted of violating subsection (a) or a similar
5 provision of a local ordinance, the fine shall be \$1,000. In
6 the event that more than one agency is responsible for the
7 arrest, the amount payable to law enforcement agencies shall be
8 shared equally. Any moneys received by a law enforcement agency
9 under this subsection (j) shall be used for enforcement and
10 prevention of driving while under the influence of alcohol,
11 other drug or drugs, intoxicating compound or compounds or any
12 combination thereof, as defined by this Section, including but
13 not limited to the purchase of law enforcement equipment and
14 commodities that will assist in the prevention of alcohol
15 related criminal violence throughout the State; police officer
16 training and education in areas related to alcohol related
17 crime, including but not limited to DUI training; and police
18 officer salaries, including but not limited to salaries for
19 hire back funding for safety checkpoints, saturation patrols,
20 and liquor store sting operations. Equipment and commodities
21 shall include, but are not limited to, in-car video cameras,
22 radar and laser speed detection devices, and alcohol breath
23 testers. Any moneys received by the Department of State Police
24 under this subsection (j) shall be deposited into the State
25 Police DUI Fund and shall be used for enforcement and
26 prevention of driving while under the influence of alcohol,

1 other drug or drugs, intoxicating compound or compounds or any
2 combination thereof, as defined by this Section, including but
3 not limited to the purchase of law enforcement equipment and
4 commodities that will assist in the prevention of alcohol
5 related criminal violence throughout the State; police officer
6 training and education in areas related to alcohol related
7 crime, including but not limited to DUI training; and police
8 officer salaries, including but not limited to salaries for
9 hire back funding for safety checkpoints, saturation patrols,
10 and liquor store sting operations.

11 (k) The Secretary of State Police DUI Fund is created as a
12 special fund in the State treasury. All moneys received by the
13 Secretary of State Police under subsection (j) of this Section
14 shall be deposited into the Secretary of State Police DUI Fund
15 and, subject to appropriation, shall be used for enforcement
16 and prevention of driving while under the influence of alcohol,
17 other drug or drugs, intoxicating compound or compounds or any
18 combination thereof, as defined by this Section, including but
19 not limited to the purchase of law enforcement equipment and
20 commodities to assist in the prevention of alcohol related
21 criminal violence throughout the State; police officer
22 training and education in areas related to alcohol related
23 crime, including but not limited to DUI training; and police
24 officer salaries, including but not limited to salaries for
25 hire back funding for safety checkpoints, saturation patrols,
26 and liquor store sting operations.

1 (1) Whenever an individual is sentenced for an offense
2 based upon an arrest for a violation of subsection (a) or a
3 similar provision of a local ordinance, and the professional
4 evaluation recommends remedial or rehabilitative treatment or
5 education, neither the treatment nor the education shall be the
6 sole disposition and either or both may be imposed only in
7 conjunction with another disposition. The court shall monitor
8 compliance with any remedial education or treatment
9 recommendations contained in the professional evaluation.
10 Programs conducting alcohol or other drug evaluation or
11 remedial education must be licensed by the Department of Human
12 Services. If the individual is not a resident of Illinois,
13 however, the court may accept an alcohol or other drug
14 evaluation or remedial education program in the individual's
15 state of residence. Programs providing treatment must be
16 licensed under existing applicable alcoholism and drug
17 treatment licensure standards.

18 (m) In addition to any other fine or penalty required by
19 law, an individual convicted of a violation of subsection (a),
20 Section 5-7 of the Snowmobile Registration and Safety Act,
21 Section 5-16 of the Boat Registration and Safety Act, or a
22 similar provision, whose operation of a motor vehicle,
23 snowmobile, or watercraft while in violation of subsection (a),
24 Section 5-7 of the Snowmobile Registration and Safety Act,
25 Section 5-16 of the Boat Registration and Safety Act, or a
26 similar provision proximately caused an incident resulting in

1 an appropriate emergency response, shall be required to make
2 restitution to a public agency for the costs of that emergency
3 response. The restitution may not exceed \$1,000 per public
4 agency for each emergency response. As used in this subsection
5 (m), "emergency response" means any incident requiring a
6 response by a police officer, a firefighter carried on the
7 rolls of a regularly constituted fire department, or an
8 ambulance.

9 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;
10 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;
11 93-840, eff. 7-30-04; 94-114, eff. 1-1-06; 94-963, eff.
12 6-28-06.)

13 (Text of Section from P.A. 94-116 and 94-963)

14 Sec. 11-501. Driving while under the influence of alcohol,
15 other drug or drugs, intoxicating compound or compounds or any
16 combination thereof.

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

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

22 (2) under the influence of alcohol;

23 (3) under the influence of any intoxicating compound or
24 combination of intoxicating compounds to a degree that
25 renders the person incapable of driving safely;

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

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

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

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

18 (b-1) With regard to penalties imposed under this Section:

19 (1) Any reference to a prior violation of subsection
20 (a) or a similar provision includes any violation of a
21 provision of a local ordinance or a provision of a law of
22 another state that is similar to a violation of subsection
23 (a) of this Section.

24 (2) Any penalty imposed for driving with a license that
25 has been revoked for a previous violation of subsection (a)
26 of this Section shall be in addition to the penalty imposed

1 for any subsequent violation of subsection (a).

2 (b-2) Except as otherwise provided in this Section, any
3 person convicted of violating subsection (a) of this Section is
4 guilty of a Class A misdemeanor.

5 (b-3) In addition to any other criminal or administrative
6 sanction for any second conviction of violating subsection (a)
7 or a similar provision committed within 5 years of a previous
8 violation of subsection (a) or a similar provision, the
9 defendant shall be sentenced to a mandatory minimum of 5 days
10 of imprisonment or assigned a mandatory minimum of 240 hours of
11 community service as may be determined by the court.

12 (b-4) In the case of a third violation committed within 5
13 years of a previous violation of subsection (a) or a similar
14 provision, the defendant is guilty of a Class 2 felony, and in
15 addition to any other criminal or administrative sanction, a
16 mandatory minimum term of either 10 days of imprisonment or 480
17 hours of community service shall be imposed.

18 (b-5) The imprisonment or assignment of community service
19 under subsections (b-3) and (b-4) shall not be subject to
20 suspension, nor shall the person be eligible for a reduced
21 sentence.

22 (c) (Blank).

23 (c-1) (1) A person who violates subsection (a) during a
24 period in which his or her driving privileges are revoked
25 or suspended, where the revocation or suspension was for a
26 violation of subsection (a), Section 11-501.1, paragraph

1 (b) of Section 11-401, or for reckless homicide as defined
2 in Section 9-3 of the Criminal Code of 1961 is guilty of a
3 Class 4 felony.

4 (2) A person who violates subsection (a) a third time
5 is guilty of a Class 2 felony.

6 (2.1) A person who violates subsection (a) a third
7 time, if the third violation occurs during a period in
8 which his or her driving privileges are revoked or
9 suspended where the revocation or suspension was for a
10 violation of subsection (a), Section 11-501.1, subsection
11 (b) of Section 11-401, or for reckless homicide as defined
12 in Section 9-3 of the Criminal Code of 1961, is guilty of a
13 Class 2 felony; and if the person receives a term of
14 probation or conditional discharge, he or she shall be
15 required to serve a mandatory minimum of 10 days of
16 imprisonment or shall be assigned a mandatory minimum of
17 480 hours of community service, as may be determined by the
18 court, as a condition of the probation or conditional
19 discharge. This mandatory minimum term of imprisonment or
20 assignment of community service shall not be suspended or
21 reduced by the court.

22 (2.2) A person who violates subsection (a), if the
23 violation occurs during a period in which his or her
24 driving privileges are revoked or suspended where the
25 revocation or suspension was for a violation of subsection
26 (a) or Section 11-501.1, shall also be sentenced to an

1 additional mandatory minimum term of 30 consecutive days of
2 imprisonment, 40 days of 24-hour periodic imprisonment, or
3 720 hours of community service, as may be determined by the
4 court. This mandatory term of imprisonment or assignment of
5 community service shall not be suspended or reduced by the
6 court.

7 (3) A person who violates subsection (a) a fourth time
8 is guilty of a Class 2 felony and is not eligible for a
9 sentence of probation or conditional discharge.

10 (4) A person who violates subsection (a) a fifth or
11 subsequent time is guilty of a Class 1 felony and is not
12 eligible for a sentence of probation or conditional
13 discharge.

14 (c-2) (Blank).

15 (c-3) (Blank).

16 (c-4) (Blank).

17 (c-5) A person who violates subsection (a), if the person
18 was transporting a person under the age of 16 at the time of
19 the violation, is subject to an additional mandatory minimum
20 fine of \$1,000, an additional mandatory minimum 140 hours of
21 community service, which shall include 40 hours of community
22 service in a program benefiting children, and an additional 2
23 days of imprisonment. The imprisonment or assignment of
24 community service under this subsection (c-5) is not subject to
25 suspension, nor is the person eligible for a reduced sentence.

26 (c-6) Except as provided in subsections (c-7) and (c-8) a

1 person who violates subsection (a) a second time, if at the
2 time of the second violation the person was transporting a
3 person under the age of 16, is subject to an additional 10 days
4 of imprisonment, an additional mandatory minimum fine of
5 \$1,000, and an additional mandatory minimum 140 hours of
6 community service, which shall include 40 hours of community
7 service in a program benefiting children. The imprisonment or
8 assignment of community service under this subsection (c-6) is
9 not subject to suspension, nor is the person eligible for a
10 reduced sentence.

11 (c-7) Except as provided in subsection (c-8), any person
12 convicted of violating subsection (c-6) or a similar provision
13 within 10 years of a previous violation of subsection (a) or a
14 similar provision shall receive, in addition to any other
15 penalty imposed, a mandatory minimum 12 days imprisonment, an
16 additional 40 hours of mandatory community service in a program
17 benefiting children, and a mandatory minimum fine of \$1,750.
18 The imprisonment or assignment of community service under this
19 subsection (c-7) is not subject to suspension, nor is the
20 person eligible for a reduced sentence.

21 (c-8) Any person convicted of violating subsection (c-6) or
22 a similar provision within 5 years of a previous violation of
23 subsection (a) or a similar provision shall receive, in
24 addition to any other penalty imposed, an additional 80 hours
25 of mandatory community service in a program benefiting
26 children, an additional mandatory minimum 12 days of

1 imprisonment, and a mandatory minimum fine of \$1,750. The
2 imprisonment or assignment of community service under this
3 subsection (c-8) is not subject to suspension, nor is the
4 person eligible for a reduced sentence.

5 (c-9) Any person convicted a third time for violating
6 subsection (a) or a similar provision, if at the time of the
7 third violation the person was transporting a person under the
8 age of 16, is guilty of a Class 2 felony and shall receive, in
9 addition to any other penalty imposed, an additional mandatory
10 fine of \$1,000, an additional mandatory 140 hours of community
11 service, which shall include 40 hours in a program benefiting
12 children, and a mandatory minimum 30 days of imprisonment. The
13 imprisonment or assignment of community service under this
14 subsection (c-9) is not subject to suspension, nor is the
15 person eligible for a reduced sentence.

16 (c-10) Any person convicted of violating subsection (c-9)
17 or a similar provision a third time within 20 years of a
18 previous violation of subsection (a) or a similar provision is
19 guilty of a Class 2 felony and shall receive, in addition to
20 any other penalty imposed, an additional mandatory 40 hours of
21 community service in a program benefiting children, an
22 additional mandatory fine of \$3,000, and a mandatory minimum
23 120 days of imprisonment. The imprisonment or assignment of
24 community service under this subsection (c-10) is not subject
25 to suspension, nor is the person eligible for a reduced
26 sentence.

1 (c-11) Any person convicted a fourth time for violating
2 subsection (a) or a similar provision, if at the time of the
3 fourth violation the person was transporting a person under the
4 age of 16, and if the person's 3 prior violations of subsection
5 (a) or a similar provision occurred while transporting a person
6 under the age of 16 or while the alcohol concentration in his
7 or her blood, breath, or urine was 0.16 or more based on the
8 definition of blood, breath, or urine units in Section
9 11-501.2, is guilty of a Class 2 felony, is not eligible for
10 probation or conditional discharge, and is subject to a minimum
11 fine of \$3,000.

12 (c-12) Any person convicted of a first violation of
13 subsection (a) or a similar provision, if the alcohol
14 concentration in his or her blood, breath, or urine was 0.16 or
15 more based on the definition of blood, breath, or urine units
16 in Section 11-501.2, shall be subject, in addition to any other
17 penalty that may be imposed, to a mandatory minimum of 100
18 hours of community service and a mandatory minimum fine of
19 \$500.

20 (c-13) Any person convicted of a second violation of
21 subsection (a) or a similar provision committed within 10 years
22 of a previous violation of subsection (a) or a similar
23 provision committed within 10 years of a previous violation of
24 subsection (a) or a similar provision, if at the time of the
25 second violation of subsection (a) the alcohol concentration in
26 his or her blood, breath, or urine was 0.16 or more based on

1 the definition of blood, breath, or urine units in Section
2 11-501.2, shall be subject, in addition to any other penalty
3 that may be imposed, to a mandatory minimum of 2 days of
4 imprisonment and a mandatory minimum fine of \$1,250.

5 (c-14) Any person convicted of a third violation of
6 subsection (a) or a similar provision within 20 years of a
7 previous violation of subsection (a) or a similar provision, if
8 at the time of the third violation of subsection (a) or a
9 similar provision the alcohol concentration in his or her
10 blood, breath, or urine was 0.16 or more based on the
11 definition of blood, breath, or urine units in Section
12 11-501.2, is guilty of a Class 2 felony and shall be subject,
13 in addition to any other penalty that may be imposed, to a
14 mandatory minimum of 90 days of imprisonment and a mandatory
15 minimum fine of \$2,500.

16 (c-15) Any person convicted of a fourth violation of
17 subsection (a) or a similar provision, if at the time of the
18 fourth violation the alcohol concentration in his or her blood,
19 breath, or urine was 0.16 or more based on the definition of
20 blood, breath, or urine units in Section 11-501.2, and if the
21 person's 3 prior violations of subsection (a) or a similar
22 provision occurred while transporting a person under the age of
23 16 or while the alcohol concentration in his or her blood,
24 breath, or urine was 0.16 or more based on the definition of
25 blood, breath, or urine units in Section 11-501.2, is guilty of
26 a Class 2 felony and is not eligible for a sentence of

1 probation or conditional discharge and is subject to a minimum
2 fine of \$2,500.

3 (d) (1) Every person convicted of committing a violation of
4 this Section shall be guilty of aggravated driving under
5 the influence of alcohol, other drug or drugs, or
6 intoxicating compound or compounds, or any combination
7 thereof if:

8 (A) the person committed a violation of subsection
9 (a) or a similar provision for the third or subsequent
10 time;

11 (B) the person committed a violation of subsection
12 (a) while driving a school bus with persons 18 years of
13 age or younger on board;

14 (C) the person in committing a violation of
15 subsection (a) was involved in a motor vehicle accident
16 that resulted in great bodily harm or permanent
17 disability or disfigurement to another, when the
18 violation was a proximate cause of the injuries;

19 (D) the person committed a violation of subsection
20 (a) for a second time and has been previously convicted
21 of violating Section 9-3 of the Criminal Code of 1961
22 or a similar provision of a law of another state
23 relating to reckless homicide in which the person was
24 determined to have been under the influence of alcohol,
25 other drug or drugs, or intoxicating compound or
26 compounds as an element of the offense or the person

1 has previously been convicted under subparagraph (C)
2 or subparagraph (F) of this paragraph (1);

3 (E) the person, in committing a violation of
4 subsection (a) while driving at any speed in a school
5 speed zone at a time when a speed limit of 20 miles per
6 hour was in effect under subsection (a) of Section
7 11-605 of this Code, was involved in a motor vehicle
8 accident that resulted in bodily harm, other than great
9 bodily harm or permanent disability or disfigurement,
10 to another person, when the violation of subsection (a)
11 was a proximate cause of the bodily harm; or

12 (F) the person, in committing a violation of
13 subsection (a), was involved in a motor vehicle,
14 snowmobile, all-terrain vehicle, or watercraft
15 accident that resulted in the death of another person,
16 when the violation of subsection (a) was a proximate
17 cause of the death.

18 (2) Except as provided in this paragraph (2) and in
19 paragraphs (3) and (4) of subsection (c-1), a person
20 convicted of aggravated driving under the influence of
21 alcohol, other drug or drugs, or intoxicating compound or
22 compounds, or any combination thereof is guilty of a Class
23 4 felony. For a violation of subparagraph (C) of paragraph
24 (1) of this subsection (d), the defendant, if sentenced to
25 a term of imprisonment, shall be sentenced to not less than
26 one year nor more than 12 years. Except as provided in

1 paragraph (4) of subsection (c-1), aggravated driving
2 under the influence of alcohol, other drug, or drugs,
3 intoxicating compounds or compounds, or any combination
4 thereof as defined in subparagraph (A) of paragraph (1) of
5 this subsection (d) is a Class 2 felony. Aggravated driving
6 under the influence of alcohol, other drug or drugs, or
7 intoxicating compound or compounds, or any combination
8 thereof as defined in subparagraph (F) of paragraph (1) of
9 this subsection (d) is a Class 2 felony, for which the
10 defendant, if sentenced to a term of imprisonment, shall be
11 sentenced to: (A) a term of imprisonment of not less than 3
12 years and not more than 14 years if the violation resulted
13 in the death of one person; or (B) a term of imprisonment
14 of not less than 6 years and not more than 28 years if the
15 violation resulted in the deaths of 2 or more persons. For
16 any prosecution under this subsection (d), a certified copy
17 of the driving abstract of the defendant shall be admitted
18 as proof of any prior conviction. Any person sentenced
19 under this subsection (d) who receives a term of probation
20 or conditional discharge must serve a minimum term of
21 either 480 hours of community service or 10 days of
22 imprisonment as a condition of the probation or conditional
23 discharge. This mandatory minimum term of imprisonment or
24 assignment of community service may not be suspended or
25 reduced by the court.

26 (e) After a finding of guilt and prior to any final

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

12 (e-1) Any person who is found guilty of or pleads guilty to
13 violating this Section, including any person receiving a
14 disposition of court supervision for violating this Section,
15 may be required by the Court to attend a victim impact panel
16 offered by, or under contract with, a County State's Attorney's
17 office, a probation and court services department, Mothers
18 Against Drunk Driving, or the Alliance Against Intoxicated
19 Motorists. All costs generated by the victim impact panel shall
20 be paid from fees collected from the offender or as may be
21 determined by the court.

22 (f) Every person found guilty of violating this Section,
23 whose operation of a motor vehicle while in violation of this
24 Section proximately caused any incident resulting in an
25 appropriate emergency response, shall be liable for the expense
26 of an emergency response as provided in subsection (m) of this

1 ~~Section under Section 5-5-3 of the Unified Code of Corrections.~~

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

5 (h) (Blank).

6 (i) The Secretary of State shall require the use of
7 ignition interlock devices on all vehicles owned by an
8 individual who has been convicted of a second or subsequent
9 offense of this Section or a similar provision of a local
10 ordinance. The Secretary shall establish by rule and regulation
11 the procedures for certification and use of the interlock
12 system.

13 (j) In addition to any other penalties and liabilities, a
14 person who is found guilty of or pleads guilty to violating
15 subsection (a), including any person placed on court
16 supervision for violating subsection (a), shall be fined \$500,
17 payable to the circuit clerk, who shall distribute the money as
18 follows: 20% to the law enforcement agency that made the arrest
19 and 80% shall be forwarded to the State Treasurer for deposit
20 into the General Revenue Fund. If the person has been
21 previously convicted of violating subsection (a) or a similar
22 provision of a local ordinance, the fine shall be \$1,000. In
23 the event that more than one agency is responsible for the
24 arrest, the amount payable to law enforcement agencies shall be
25 shared equally. Any moneys received by a law enforcement agency
26 under this subsection (j) shall be used for enforcement and

1 prevention of driving while under the influence of alcohol,
2 other drug or drugs, intoxicating compound or compounds or any
3 combination thereof, as defined by this Section, including but
4 not limited to the purchase of law enforcement equipment and
5 commodities that will assist in the prevention of alcohol
6 related criminal violence throughout the State; police officer
7 training and education in areas related to alcohol related
8 crime, including but not limited to DUI training; and police
9 officer salaries, including but not limited to salaries for
10 hire back funding for safety checkpoints, saturation patrols,
11 and liquor store sting operations. Equipment and commodities
12 shall include, but are not limited to, in-car video cameras,
13 radar and laser speed detection devices, and alcohol breath
14 testers. Any moneys received by the Department of State Police
15 under this subsection (j) shall be deposited into the State
16 Police DUI Fund and shall be used for enforcement and
17 prevention of driving while under the influence of alcohol,
18 other drug or drugs, intoxicating compound or compounds or any
19 combination thereof, as defined by this Section, including but
20 not limited to the purchase of law enforcement equipment and
21 commodities that will assist in the prevention of alcohol
22 related criminal violence throughout the State; police officer
23 training and education in areas related to alcohol related
24 crime, including but not limited to DUI training; and police
25 officer salaries, including but not limited to salaries for
26 hire back funding for safety checkpoints, saturation patrols,

1 and liquor store sting operations.

2 (k) The Secretary of State Police DUI Fund is created as a
3 special fund in the State treasury. All moneys received by the
4 Secretary of State Police under subsection (j) of this Section
5 shall be deposited into the Secretary of State Police DUI Fund
6 and, subject to appropriation, shall be used for enforcement
7 and prevention of driving while under the influence of alcohol,
8 other drug or drugs, intoxicating compound or compounds or any
9 combination thereof, as defined by this Section, including but
10 not limited to the purchase of law enforcement equipment and
11 commodities to assist in the prevention of alcohol related
12 criminal violence throughout the State; police officer
13 training and education in areas related to alcohol related
14 crime, including but not limited to DUI training; and police
15 officer salaries, including but not limited to salaries for
16 hire back funding for safety checkpoints, saturation patrols,
17 and liquor store sting operations.

18 (l) Whenever an individual is sentenced for an offense
19 based upon an arrest for a violation of subsection (a) or a
20 similar provision of a local ordinance, and the professional
21 evaluation recommends remedial or rehabilitative treatment or
22 education, neither the treatment nor the education shall be the
23 sole disposition and either or both may be imposed only in
24 conjunction with another disposition. The court shall monitor
25 compliance with any remedial education or treatment
26 recommendations contained in the professional evaluation.

1 Programs conducting alcohol or other drug evaluation or
2 remedial education must be licensed by the Department of Human
3 Services. If the individual is not a resident of Illinois,
4 however, the court may accept an alcohol or other drug
5 evaluation or remedial education program in the individual's
6 state of residence. Programs providing treatment must be
7 licensed under existing applicable alcoholism and drug
8 treatment licensure standards.

9 (m) In addition to any other fine or penalty required by
10 law, an individual convicted of a violation of subsection (a),
11 Section 5-7 of the Snowmobile Registration and Safety Act,
12 Section 5-16 of the Boat Registration and Safety Act, or a
13 similar provision, whose operation of a motor vehicle,
14 snowmobile, or watercraft while in violation of subsection (a),
15 Section 5-7 of the Snowmobile Registration and Safety Act,
16 Section 5-16 of the Boat Registration and Safety Act, or a
17 similar provision proximately caused an incident resulting in
18 an appropriate emergency response, shall be required to make
19 restitution to a public agency for the costs of that emergency
20 response. The restitution may not exceed \$1,000 per public
21 agency for each emergency response. As used in this subsection
22 (m), "emergency response" means any incident requiring a
23 response by a police officer, a firefighter carried on the
24 rolls of a regularly constituted fire department, or an
25 ambulance.

26 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;

1 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;
2 93-840, eff. 7-30-04; 94-116, eff. 1-1-06; 94-963, eff.
3 6-28-06.)

4 (Text of Section from P.A. 94-329 and 94-963)

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

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

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

13 (2) under the influence of alcohol;

14 (3) under the influence of any intoxicating compound or
15 combination of intoxicating compounds to a degree that
16 renders the person incapable of driving safely;

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

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

23 (6) there is any amount of a drug, substance, or
24 compound in the person's breath, blood, or urine resulting
25 from the unlawful use or consumption of cannabis listed in

1 the Cannabis Control Act, a controlled substance listed in
2 the Illinois Controlled Substances Act, or an intoxicating
3 compound listed in the Use of Intoxicating Compounds Act.

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

9 (b-1) With regard to penalties imposed under this Section:

10 (1) Any reference to a prior violation of subsection
11 (a) or a similar provision includes any violation of a
12 provision of a local ordinance or a provision of a law of
13 another state that is similar to a violation of subsection
14 (a) of this Section.

15 (2) Any penalty imposed for driving with a license that
16 has been revoked for a previous violation of subsection (a)
17 of this Section shall be in addition to the penalty imposed
18 for any subsequent violation of subsection (a).

19 (b-2) Except as otherwise provided in this Section, any
20 person convicted of violating subsection (a) of this Section is
21 guilty of a Class A misdemeanor.

22 (b-3) In addition to any other criminal or administrative
23 sanction for any second conviction of violating subsection (a)
24 or a similar provision committed within 5 years of a previous
25 violation of subsection (a) or a similar provision, the
26 defendant shall be sentenced to a mandatory minimum of 5 days

1 of imprisonment or assigned a mandatory minimum of 240 hours of
2 community service as may be determined by the court.

3 (b-4) In the case of a third or subsequent violation
4 committed within 5 years of a previous violation of subsection
5 (a) or a similar provision, in addition to any other criminal
6 or administrative sanction, a mandatory minimum term of either
7 10 days of imprisonment or 480 hours of community service shall
8 be imposed.

9 (b-5) The imprisonment or assignment of community service
10 under subsections (b-3) and (b-4) shall not be subject to
11 suspension, nor shall the person be eligible for a reduced
12 sentence.

13 (c) (Blank).

14 (c-1) (1) A person who violates subsection (a) during a
15 period in which his or her driving privileges are revoked
16 or suspended, where the revocation or suspension was for a
17 violation of subsection (a), Section 11-501.1, paragraph
18 (b) of Section 11-401, or for reckless homicide as defined
19 in Section 9-3 of the Criminal Code of 1961 is guilty of
20 aggravated driving under the influence of alcohol, other
21 drug or drugs, intoxicating compound or compounds, or any
22 combination thereof and is guilty of a Class 4 felony.

23 (2) A person who violates subsection (a) a third time,
24 if the third violation occurs during a period in which his
25 or her driving privileges are revoked or suspended where
26 the revocation or suspension was for a violation of

1 subsection (a), Section 11-501.1, paragraph (b) of Section
2 11-401, or for reckless homicide as defined in Section 9-3
3 of the Criminal Code of 1961, is guilty of aggravated
4 driving under the influence of alcohol, other drug or
5 drugs, intoxicating compound or compounds, or any
6 combination thereof and is guilty of a Class 3 felony.

7 (2.1) A person who violates subsection (a) a third
8 time, if the third violation occurs during a period in
9 which his or her driving privileges are revoked or
10 suspended where the revocation or suspension was for a
11 violation of subsection (a), Section 11-501.1, subsection
12 (b) of Section 11-401, or for reckless homicide as defined
13 in Section 9-3 of the Criminal Code of 1961, is guilty of
14 aggravated driving under the influence of alcohol, other
15 drug or drugs, intoxicating compound or compounds, or any
16 combination thereof and is guilty of a Class 3 felony; and
17 if the person receives a term of probation or conditional
18 discharge, he or she shall be required to serve a mandatory
19 minimum of 10 days of imprisonment or shall be assigned a
20 mandatory minimum of 480 hours of community service, as may
21 be determined by the court, as a condition of the probation
22 or conditional discharge. This mandatory minimum term of
23 imprisonment or assignment of community service shall not
24 be suspended or reduced by the court.

25 (2.2) A person who violates subsection (a), if the
26 violation occurs during a period in which his or her

1 driving privileges are revoked or suspended where the
2 revocation or suspension was for a violation of subsection
3 (a) or Section 11-501.1, is guilty of aggravated driving
4 under the influence of alcohol, other drug or drugs,
5 intoxicating compound or compounds, or any combination
6 thereof and shall also be sentenced to an additional
7 mandatory minimum term of 30 consecutive days of
8 imprisonment, 40 days of 24-hour periodic imprisonment, or
9 720 hours of community service, as may be determined by the
10 court. This mandatory term of imprisonment or assignment of
11 community service shall not be suspended or reduced by the
12 court.

13 (3) A person who violates subsection (a) a fourth or
14 subsequent time, if the fourth or subsequent violation
15 occurs during a period in which his or her driving
16 privileges are revoked or suspended where the revocation or
17 suspension was for a violation of subsection (a), Section
18 11-501.1, paragraph (b) of Section 11-401, or for reckless
19 homicide as defined in Section 9-3 of the Criminal Code of
20 1961, is guilty of aggravated driving under the influence
21 of alcohol, other drug or drugs, intoxicating compound or
22 compounds, or any combination thereof and is guilty of a
23 Class 2 felony, and is not eligible for a sentence of
24 probation or conditional discharge.

25 (c-2) (Blank).

26 (c-3) (Blank).

1 (c-4) (Blank).

2 (c-5) A person who violates subsection (a), if the person
3 was transporting a person under the age of 16 at the time of
4 the violation, is subject to an additional mandatory minimum
5 fine of \$1,000, an additional mandatory minimum 140 hours of
6 community service, which shall include 40 hours of community
7 service in a program benefiting children, and an additional 2
8 days of imprisonment. The imprisonment or assignment of
9 community service under this subsection (c-5) is not subject to
10 suspension, nor is the person eligible for a reduced sentence.

11 (c-6) Except as provided in subsections (c-7) and (c-8) a
12 person who violates subsection (a) a second time, if at the
13 time of the second violation the person was transporting a
14 person under the age of 16, is subject to an additional 10 days
15 of imprisonment, an additional mandatory minimum fine of
16 \$1,000, and an additional mandatory minimum 140 hours of
17 community service, which shall include 40 hours of community
18 service in a program benefiting children. The imprisonment or
19 assignment of community service under this subsection (c-6) is
20 not subject to suspension, nor is the person eligible for a
21 reduced sentence.

22 (c-7) Except as provided in subsection (c-8), any person
23 convicted of violating subsection (c-6) or a similar provision
24 within 10 years of a previous violation of subsection (a) or a
25 similar provision shall receive, in addition to any other
26 penalty imposed, a mandatory minimum 12 days imprisonment, an

1 additional 40 hours of mandatory community service in a program
2 benefiting children, and a mandatory minimum fine of \$1,750.
3 The imprisonment or assignment of community service under this
4 subsection (c-7) is not subject to suspension, nor is the
5 person eligible for a reduced sentence.

6 (c-8) Any person convicted of violating subsection (c-6) or
7 a similar provision within 5 years of a previous violation of
8 subsection (a) or a similar provision shall receive, in
9 addition to any other penalty imposed, an additional 80 hours
10 of mandatory community service in a program benefiting
11 children, an additional mandatory minimum 12 days of
12 imprisonment, and a mandatory minimum fine of \$1,750. The
13 imprisonment or assignment of community service under this
14 subsection (c-8) is not subject to suspension, nor is the
15 person eligible for a reduced sentence.

16 (c-9) Any person convicted a third time for violating
17 subsection (a) or a similar provision, if at the time of the
18 third violation the person was transporting a person under the
19 age of 16, is guilty of a Class 4 felony and shall receive, in
20 addition to any other penalty imposed, an additional mandatory
21 fine of \$1,000, an additional mandatory 140 hours of community
22 service, which shall include 40 hours in a program benefiting
23 children, and a mandatory minimum 30 days of imprisonment. The
24 imprisonment or assignment of community service under this
25 subsection (c-9) is not subject to suspension, nor is the
26 person eligible for a reduced sentence.

1 (c-10) Any person convicted of violating subsection (c-9)
2 or a similar provision a third time within 20 years of a
3 previous violation of subsection (a) or a similar provision is
4 guilty of a Class 4 felony and shall receive, in addition to
5 any other penalty imposed, an additional mandatory 40 hours of
6 community service in a program benefiting children, an
7 additional mandatory fine of \$3,000, and a mandatory minimum
8 120 days of imprisonment. The imprisonment or assignment of
9 community service under this subsection (c-10) is not subject
10 to suspension, nor is the person eligible for a reduced
11 sentence.

12 (c-11) Any person convicted a fourth or subsequent time for
13 violating subsection (a) or a similar provision, if at the time
14 of the fourth or subsequent violation the person was
15 transporting a person under the age of 16, and if the person's
16 3 prior violations of subsection (a) or a similar provision
17 occurred while transporting a person under the age of 16 or
18 while the alcohol concentration in his or her blood, breath, or
19 urine was 0.16 or more based on the definition of blood,
20 breath, or urine units in Section 11-501.2, is guilty of a
21 Class 2 felony, is not eligible for probation or conditional
22 discharge, and is subject to a minimum fine of \$3,000.

23 (c-12) Any person convicted of a first violation of
24 subsection (a) or a similar provision, if the alcohol
25 concentration in his or her blood, breath, or urine was 0.16 or
26 more based on the definition of blood, breath, or urine units

1 in Section 11-501.2, shall be subject, in addition to any other
2 penalty that may be imposed, to a mandatory minimum of 100
3 hours of community service and a mandatory minimum fine of
4 \$500.

5 (c-13) Any person convicted of a second violation of
6 subsection (a) or a similar provision committed within 10 years
7 of a previous violation of subsection (a) or a similar
8 provision committed within 10 years of a previous violation of
9 subsection (a) or a similar provision, if at the time of the
10 second violation of subsection (a) the alcohol concentration in
11 his or her blood, breath, or urine was 0.16 or more based on
12 the definition of blood, breath, or urine units in Section
13 11-501.2, shall be subject, in addition to any other penalty
14 that may be imposed, to a mandatory minimum of 2 days of
15 imprisonment and a mandatory minimum fine of \$1,250.

16 (c-14) Any person convicted of a third violation of
17 subsection (a) or a similar provision within 20 years of a
18 previous violation of subsection (a) or a similar provision, if
19 at the time of the third violation of subsection (a) or a
20 similar provision the alcohol concentration in his or her
21 blood, breath, or urine was 0.16 or more based on the
22 definition of blood, breath, or urine units in Section
23 11-501.2, is guilty of a Class 4 felony and shall be subject,
24 in addition to any other penalty that may be imposed, to a
25 mandatory minimum of 90 days of imprisonment and a mandatory
26 minimum fine of \$2,500.

1 (c-15) Any person convicted of a fourth or subsequent
2 violation of subsection (a) or a similar provision, if at the
3 time of the fourth or subsequent violation the alcohol
4 concentration in his or her blood, breath, or urine was 0.16 or
5 more based on the definition of blood, breath, or urine units
6 in Section 11-501.2, and if the person's 3 prior violations of
7 subsection (a) or a similar provision occurred while
8 transporting a person under the age of 16 or while the alcohol
9 concentration in his or her blood, breath, or urine was 0.16 or
10 more based on the definition of blood, breath, or urine units
11 in Section 11-501.2, is guilty of a Class 2 felony and is not
12 eligible for a sentence of probation or conditional discharge
13 and is subject to a minimum fine of \$2,500.

14 (d) (1) Every person convicted of committing a violation of
15 this Section shall be guilty of aggravated driving under
16 the influence of alcohol, other drug or drugs, or
17 intoxicating compound or compounds, or any combination
18 thereof if:

19 (A) the person committed a violation of subsection
20 (a) or a similar provision for the third or subsequent
21 time;

22 (B) the person committed a violation of subsection
23 (a) while driving a school bus with persons 18 years of
24 age or younger on board;

25 (C) the person in committing a violation of
26 subsection (a) was involved in a motor vehicle accident

1 that resulted in great bodily harm or permanent
2 disability or disfigurement to another, when the
3 violation was a proximate cause of the injuries;

4 (D) the person committed a violation of subsection
5 (a) for a second time and has been previously convicted
6 of violating Section 9-3 of the Criminal Code of 1961
7 or a similar provision of a law of another state
8 relating to reckless homicide in which the person was
9 determined to have been under the influence of alcohol,
10 other drug or drugs, or intoxicating compound or
11 compounds as an element of the offense or the person
12 has previously been convicted under subparagraph (C)
13 or subparagraph (F) of this paragraph (1);

14 (E) the person, in committing a violation of
15 subsection (a) while driving at any speed in a school
16 speed zone at a time when a speed limit of 20 miles per
17 hour was in effect under subsection (a) of Section
18 11-605 of this Code, was involved in a motor vehicle
19 accident that resulted in bodily harm, other than great
20 bodily harm or permanent disability or disfigurement,
21 to another person, when the violation of subsection (a)
22 was a proximate cause of the bodily harm; or

23 (F) the person, in committing a violation of
24 subsection (a), was involved in a motor vehicle,
25 snowmobile, all-terrain vehicle, or watercraft
26 accident that resulted in the death of another person,

1 when the violation of subsection (a) was a proximate
2 cause of the death;

3 (G) the person committed the violation while he or
4 she did not possess a driver's license or permit or a
5 restricted driving permit or a judicial driving
6 permit; or

7 (H) the person committed the violation while he or
8 she knew or should have known that the vehicle he or
9 she was driving was not covered by a liability
10 insurance policy.

11 (2) Except as provided in this paragraph (2) and in
12 paragraphs (2), (2.1), and (3) of subsection (c-1), a
13 person convicted of aggravated driving under the influence
14 of alcohol, other drug or drugs, or intoxicating compound
15 or compounds, or any combination thereof is guilty of a
16 Class 4 felony. For a violation of subparagraph (C) of
17 paragraph (1) of this subsection (d), the defendant, if
18 sentenced to a term of imprisonment, shall be sentenced to
19 not less than one year nor more than 12 years. Aggravated
20 driving under the influence of alcohol, other drug or
21 drugs, or intoxicating compound or compounds, or any
22 combination thereof as defined in subparagraph (F) of
23 paragraph (1) of this subsection (d) is a Class 2 felony,
24 for which the defendant, if sentenced to a term of
25 imprisonment, shall be sentenced to: (A) a term of
26 imprisonment of not less than 3 years and not more than 14

1 years if the violation resulted in the death of one person;
2 or (B) a term of imprisonment of not less than 6 years and
3 not more than 28 years if the violation resulted in the
4 deaths of 2 or more persons. For any prosecution under this
5 subsection (d), a certified copy of the driving abstract of
6 the defendant shall be admitted as proof of any prior
7 conviction. Any person sentenced under this subsection (d)
8 who receives a term of probation or conditional discharge
9 must serve a minimum term of either 480 hours of community
10 service or 10 days of imprisonment as a condition of the
11 probation or conditional discharge. This mandatory minimum
12 term of imprisonment or assignment of community service may
13 not be suspended or reduced by the court.

14 (e) After a finding of guilt and prior to any final
15 sentencing, or an order for supervision, for an offense based
16 upon an arrest for a violation of this Section or a similar
17 provision of a local ordinance, individuals shall be required
18 to undergo a professional evaluation to determine if an
19 alcohol, drug, or intoxicating compound abuse problem exists
20 and the extent of the problem, and undergo the imposition of
21 treatment as appropriate. Programs conducting these
22 evaluations shall be licensed by the Department of Human
23 Services. The cost of any professional evaluation shall be paid
24 for by the individual required to undergo the professional
25 evaluation.

26 (e-1) Any person who is found guilty of or pleads guilty to

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

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

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

19 (h) (Blank).

20 (i) The Secretary of State shall require the use of
21 ignition interlock devices on all vehicles owned by an
22 individual who has been convicted of a second or subsequent
23 offense of this Section or a similar provision of a local
24 ordinance. The Secretary shall establish by rule and regulation
25 the procedures for certification and use of the interlock
26 system.

1 (j) In addition to any other penalties and liabilities, a
2 person who is found guilty of or pleads guilty to violating
3 subsection (a), including any person placed on court
4 supervision for violating subsection (a), shall be fined \$500,
5 payable to the circuit clerk, who shall distribute the money as
6 follows: 20% to the law enforcement agency that made the arrest
7 and 80% shall be forwarded to the State Treasurer for deposit
8 into the General Revenue Fund. If the person has been
9 previously convicted of violating subsection (a) or a similar
10 provision of a local ordinance, the fine shall be \$1,000. In
11 the event that more than one agency is responsible for the
12 arrest, the amount payable to law enforcement agencies shall be
13 shared equally. Any moneys received by a law enforcement agency
14 under this subsection (j) shall be used for enforcement and
15 prevention of driving while under the influence of alcohol,
16 other drug or drugs, intoxicating compound or compounds or any
17 combination thereof, as defined by this Section, including but
18 not limited to the purchase of law enforcement equipment and
19 commodities that will assist in the prevention of alcohol
20 related criminal violence throughout the State; police officer
21 training and education in areas related to alcohol related
22 crime, including but not limited to DUI training; and police
23 officer salaries, including but not limited to salaries for
24 hire back funding for safety checkpoints, saturation patrols,
25 and liquor store sting operations. Equipment and commodities
26 shall include, but are not limited to, in-car video cameras,

1 radar and laser speed detection devices, and alcohol breath
2 testers. Any moneys received by the Department of State Police
3 under this subsection (j) shall be deposited into the State
4 Police DUI Fund and shall be used for enforcement and
5 prevention of driving while under the influence of alcohol,
6 other drug or drugs, intoxicating compound or compounds or any
7 combination thereof, as defined by this Section, including but
8 not limited to the purchase of law enforcement equipment and
9 commodities that will assist in the prevention of alcohol
10 related criminal violence throughout the State; police officer
11 training and education in areas related to alcohol related
12 crime, including but not limited to DUI training; and police
13 officer salaries, including but not limited to salaries for
14 hire back funding for safety checkpoints, saturation patrols,
15 and liquor store sting operations.

16 (k) The Secretary of State Police DUI Fund is created as a
17 special fund in the State treasury. All moneys received by the
18 Secretary of State Police under subsection (j) of this Section
19 shall be deposited into the Secretary of State Police DUI Fund
20 and, subject to appropriation, shall be used for enforcement
21 and prevention of driving while under the influence of alcohol,
22 other drug or drugs, intoxicating compound or compounds or any
23 combination thereof, as defined by this Section, including but
24 not limited to the purchase of law enforcement equipment and
25 commodities to assist in the prevention of alcohol related
26 criminal violence throughout the State; police officer

1 training and education in areas related to alcohol related
2 crime, including but not limited to DUI training; and police
3 officer salaries, including but not limited to salaries for
4 hire back funding for safety checkpoints, saturation patrols,
5 and liquor store sting operations.

6 (l) Whenever an individual is sentenced for an offense
7 based upon an arrest for a violation of subsection (a) or a
8 similar provision of a local ordinance, and the professional
9 evaluation recommends remedial or rehabilitative treatment or
10 education, neither the treatment nor the education shall be the
11 sole disposition and either or both may be imposed only in
12 conjunction with another disposition. The court shall monitor
13 compliance with any remedial education or treatment
14 recommendations contained in the professional evaluation.
15 Programs conducting alcohol or other drug evaluation or
16 remedial education must be licensed by the Department of Human
17 Services. If the individual is not a resident of Illinois,
18 however, the court may accept an alcohol or other drug
19 evaluation or remedial education program in the individual's
20 state of residence. Programs providing treatment must be
21 licensed under existing applicable alcoholism and drug
22 treatment licensure standards.

23 (m) In addition to any other fine or penalty required by
24 law, an individual convicted of a violation of subsection (a),
25 Section 5-7 of the Snowmobile Registration and Safety Act,
26 Section 5-16 of the Boat Registration and Safety Act, or a

1 similar provision, whose operation of a motor vehicle,
2 snowmobile, or watercraft while in violation of subsection (a),
3 Section 5-7 of the Snowmobile Registration and Safety Act,
4 Section 5-16 of the Boat Registration and Safety Act, or a
5 similar provision proximately caused an incident resulting in
6 an appropriate emergency response, shall be required to make
7 restitution to a public agency for the costs of that emergency
8 response. The restitution may not exceed \$1,000 per public
9 agency for each emergency response. As used in this subsection
10 (m), "emergency response" means any incident requiring a
11 response by a police officer, a firefighter carried on the
12 rolls of a regularly constituted fire department, or an
13 ambulance.

14 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;
15 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;
16 93-840, eff. 7-30-04; 94-329, eff. 1-1-06; 94-963, eff.
17 6-28-06.)

18 Section 10. The Snowmobile Registration and Safety Act is
19 amended by changing Section 5-7 as follows:

20 (625 ILCS 40/5-7)

21 Sec. 5-7. Operating a snowmobile while under the influence
22 of alcohol or other drug or drugs, intoxicating compound or
23 compounds, or a combination of them; criminal penalties;
24 suspension of operating privileges.

1 (a) A person may not operate or be in actual physical
2 control of a snowmobile within this State while:

3 1. The alcohol concentration in that person's blood or
4 breath is a concentration at which driving a motor vehicle
5 is prohibited under subdivision (1) of subsection (a) of
6 Section 11-501 of the Illinois Vehicle Code;

7 2. The person is under the influence of alcohol;

8 3. The person is under the influence of any other drug
9 or combination of drugs to a degree that renders that
10 person incapable of safely operating a snowmobile;

11 3.1. The person is under the influence of any
12 intoxicating compound or combination of intoxicating
13 compounds to a degree that renders the person incapable of
14 safely operating a snowmobile;

15 4. The person is under the combined influence of
16 alcohol and any other drug or drugs or intoxicating
17 compound or compounds to a degree that renders that person
18 incapable of safely operating a snowmobile; or

19 5. There is any amount of a drug, substance, or
20 compound in that person's breath, blood, or urine resulting
21 from the unlawful use or consumption of cannabis listed in
22 the Cannabis Control Act, controlled substance listed in
23 the Illinois Controlled Substances Act, or intoxicating
24 compound listed in the use of Intoxicating Compounds Act.

25 (b) The fact that a person charged with violating this
26 Section is or has been legally entitled to use alcohol, other

1 drug or drugs, any intoxicating compound or compounds, or any
2 combination of them does not constitute a defense against a
3 charge of violating this Section.

4 (c) Every person convicted of violating this Section or a
5 similar provision of a local ordinance is guilty of a Class A
6 misdemeanor, except as otherwise provided in this Section.

7 (c-1) As used in this Section, "first time offender" means
8 any person who has not had a previous conviction or been
9 assigned supervision for violating this Section or a similar
10 provision of a local ordinance, or any person who has not had a
11 suspension imposed under subsection (e) of Section 5-7.1.

12 (c-2) For purposes of this Section, the following are
13 equivalent to a conviction:

14 (1) a forfeiture of bail or collateral deposited to
15 secure a defendant's appearance in court when forfeiture
16 has not been vacated; or

17 (2) the failure of a defendant to appear for trial.

18 (d) Every person convicted of violating this Section is
19 guilty of a Class 4 felony if:

20 1. The person has a previous conviction under this
21 Section;

22 2. The offense results in personal injury where a
23 person other than the operator suffers great bodily harm or
24 permanent disability or disfigurement, when the violation
25 was a proximate cause of the injuries. A person guilty of a
26 Class 4 felony under this paragraph 2, if sentenced to a

1 term of imprisonment, shall be sentenced to not less than
2 one year nor more than 12 years; or

3 3. The offense occurred during a period in which the
4 person's privileges to operate a snowmobile are revoked or
5 suspended, and the revocation or suspension was for a
6 violation of this Section or was imposed under Section
7 5-7.1.

8 (e) Every person convicted of violating this Section is
9 guilty of a Class 2 felony if the offense results in the death
10 of a person. A person guilty of a Class 2 felony under this
11 subsection (e), if sentenced to a term of imprisonment, shall
12 be sentenced to a term of not less than 3 years and not more
13 than 14 years.

14 (e-1) Every person convicted of violating this Section or a
15 similar provision of a local ordinance who had a child under
16 the age of 16 on board the snowmobile at the time of offense
17 shall be subject to a mandatory minimum fine of \$500 and shall
18 be subject to a mandatory minimum of 5 days of community
19 service in a program benefiting children. The assignment under
20 this subsection shall not be subject to suspension nor shall
21 the person be eligible for probation in order to reduce the
22 assignment.

23 (e-2) Every person found guilty of violating this Section,
24 whose operation of a snowmobile while in violation of this
25 Section proximately caused any incident resulting in an
26 appropriate emergency response, shall be liable for the expense

1 of an emergency response as provided in subsection (m) of
2 Section 11-501 of the Illinois Vehicle Code ~~under Section 5-5-3~~
3 ~~of the Unified Code of Corrections.~~

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

18 (f) In addition to any criminal penalties imposed, the
19 Department of Natural Resources shall suspend the snowmobile
20 operation privileges of a person convicted or found guilty of a
21 misdemeanor under this Section for a period of one year, except
22 that first-time offenders are exempt from this mandatory one
23 year suspension.

24 (g) In addition to any criminal penalties imposed, the
25 Department of Natural Resources shall suspend for a period of 5
26 years the snowmobile operation privileges of any person

1 convicted or found guilty of a felony under this Section.

2 (Source: P.A. 93-156, eff. 1-1-04; 94-214, eff. 1-1-06.)

3 Section 15. The Boat Registration and Safety Act is amended
4 by changing Section 5-16 as follows:

5 (625 ILCS 45/5-16)

6 Sec. 5-16. Operating a watercraft under the influence of
7 alcohol, other drug or drugs, intoxicating compound or
8 compounds, or combination thereof.

9 (A) 1. A person shall not operate or be in actual physical
10 control of any watercraft within this State while:

11 (a) The alcohol concentration in such person's
12 blood or breath is a concentration at which driving a
13 motor vehicle is prohibited under subdivision (1) of
14 subsection (a) of Section 11-501 of the Illinois
15 Vehicle Code;

16 (b) Under the influence of alcohol;

17 (c) Under the influence of any other drug or
18 combination of drugs to a degree which renders such
19 person incapable of safely operating any watercraft;

20 (c-1) Under the influence of any intoxicating
21 compound or combination of intoxicating compounds to a
22 degree that renders the person incapable of safely
23 operating any watercraft;

24 (d) Under the combined influence of alcohol and any

1 other drug or drugs to a degree which renders such
2 person incapable of safely operating a watercraft; or

3 (e) There is any amount of a drug, substance, or
4 compound in the person's blood or urine resulting from
5 the unlawful use or consumption of cannabis listed in
6 the Cannabis Control Act, a controlled substance
7 listed in the Illinois Controlled Substances Act, or an
8 intoxicating compound listed in the Use of
9 Intoxicating Compounds Act.

10 2. The fact that any person charged with violating this
11 Section is or has been legally entitled to use alcohol,
12 other drug or drugs, any intoxicating compound or
13 compounds, or any combination of them, shall not constitute
14 a defense against any charge of violating this Section.

15 3. Every person convicted of violating this Section
16 shall be guilty of a Class A misdemeanor, except as
17 otherwise provided in this Section.

18 4. Every person convicted of violating this Section
19 shall be guilty of a Class 4 felony if:

20 (a) He has a previous conviction under this
21 Section;

22 (b) The offense results in personal injury where a
23 person other than the operator suffers great bodily
24 harm or permanent disability or disfigurement, when
25 the violation was a proximate cause of the injuries. A
26 person guilty of a Class 4 felony under this

1 subparagraph (b), if sentenced to a term of
2 imprisonment, shall be sentenced to a term of not less
3 than one year nor more than 12 years; or

4 (c) The offense occurred during a period in which
5 his or her privileges to operate a watercraft are
6 revoked or suspended, and the revocation or suspension
7 was for a violation of this Section or was imposed
8 under subsection (B).

9 5. Every person convicted of violating this Section
10 shall be guilty of a Class 2 felony if the offense results
11 in the death of a person. A person guilty of a Class 2
12 felony under this paragraph 5, if sentenced to a term of
13 imprisonment, shall be sentenced to a term of not less than
14 3 years and not more than 14 years.

15 5.1. A person convicted of violating this Section or a
16 similar provision of a local ordinance who had a child
17 under the age of 16 aboard the watercraft at the time of
18 offense is subject to a mandatory minimum fine of \$500 and
19 to a mandatory minimum of 5 days of community service in a
20 program benefiting children. The assignment under this
21 paragraph 5.1 is not subject to suspension and the person
22 is not eligible for probation in order to reduce the
23 assignment.

24 5.2. A person found guilty of violating this Section,
25 if his or her operation of a watercraft while in violation
26 of this Section proximately caused any incident resulting

1 in an appropriate emergency response, is liable for the
2 expense of an emergency response as provided in subsection
3 (m) of Section 11-501 of the Illinois Vehicle Code ~~under~~
4 ~~Section 5-5-3 of the Unified Code of Corrections.~~

5 5.3. In addition to any other penalties and
6 liabilities, a person who is found guilty of violating this
7 Section, including any person placed on court supervision,
8 shall be fined \$100, payable to the circuit clerk, who
9 shall distribute the money to the law enforcement agency
10 that made the arrest. In the event that more than one
11 agency is responsible for the arrest, the \$100 shall be
12 shared equally. Any moneys received by a law enforcement
13 agency under this paragraph 5.3 shall be used to purchase
14 law enforcement equipment or to provide law enforcement
15 training that will assist in the prevention of alcohol
16 related criminal violence throughout the State. Law
17 enforcement equipment shall include, but is not limited to,
18 in-car video cameras, radar and laser speed detection
19 devices, and alcohol breath testers.

20 6. (a) In addition to any criminal penalties imposed,
21 the Department of Natural Resources shall suspend the
22 watercraft operation privileges of any person
23 convicted or found guilty of a misdemeanor under this
24 Section, a similar provision of a local ordinance, or
25 Title 46 of the U.S. Code of Federal Regulations for a
26 period of one year, except that a first time offender

1 is exempt from this mandatory one year suspension.

2 As used in this subdivision (A)6(a), "first time
3 offender" means any person who has not had a previous
4 conviction or been assigned supervision for violating
5 this Section, a similar provision of a local ordinance
6 or, Title 46 of the U.S. Code of Federal Regulations,
7 or any person who has not had a suspension imposed
8 under subdivision (B)3.1 of Section 5-16.

9 (b) In addition to any criminal penalties imposed,
10 the Department of Natural Resources shall suspend the
11 watercraft operation privileges of any person
12 convicted of a felony under this Section, a similar
13 provision of a local ordinance, or Title 46 of the U.S.
14 Code of Federal Regulations for a period of 3 years.

15 (B) 1. Any person who operates or is in actual physical
16 control of any watercraft upon the waters of this State
17 shall be deemed to have given consent to a chemical test or
18 tests of blood, breath or urine for the purpose of
19 determining the content of alcohol, other drug or drugs,
20 intoxicating compound or compounds, or combination thereof
21 in the person's blood if arrested for any offense of
22 subsection (A) above. The chemical test or tests shall be
23 administered at the direction of the arresting officer. The
24 law enforcement agency employing the officer shall
25 designate which of the tests shall be administered. A urine
26 test may be administered even after a blood or breath test

1 or both has been administered.

2 1.1. For the purposes of this Section, an Illinois Law
3 Enforcement officer of this State who is investigating the
4 person for any offense defined in Section 5-16 may travel
5 into an adjoining state, where the person has been
6 transported for medical care to complete an investigation,
7 and may request that the person submit to the test or tests
8 set forth in this Section. The requirements of this Section
9 that the person be arrested are inapplicable, but the
10 officer shall issue the person a uniform citation for an
11 offense as defined in Section 5-16 or a similar provision
12 of a local ordinance prior to requesting that the person
13 submit to the test or tests. The issuance of the uniform
14 citation shall not constitute an arrest, but shall be for
15 the purpose of notifying the person that he or she is
16 subject to the provisions of this Section and of the
17 officer's belief in the existence of probable cause to
18 arrest. Upon returning to this State, the officer shall
19 file the uniform citation with the circuit clerk of the
20 county where the offense was committed and shall seek the
21 issuance of an arrest warrant or a summons for the person.

22 1.2. Notwithstanding any ability to refuse under this
23 Act to submit to these tests or any ability to revoke the
24 implied consent to these tests, if a law enforcement
25 officer has probable cause to believe that a watercraft
26 operated by or under actual physical control of a person

1 under the influence of alcohol, other drug or drugs,
2 intoxicating compound or compounds, or any combination of
3 them has caused the death of or personal injury to another,
4 that person shall submit, upon the request of a law
5 enforcement officer, to a chemical test or tests of his or
6 her blood, breath, or urine for the purpose of determining
7 the alcohol content or the presence of any other drug,
8 intoxicating compound, or combination of them. For the
9 purposes of this Section, a personal injury includes severe
10 bleeding wounds, distorted extremities, and injuries that
11 require the injured party to be carried from the scene for
12 immediate professional attention in either a doctor's
13 office or a medical facility.

14 2. Any person who is dead, unconscious or who is
15 otherwise in a condition rendering such person incapable of
16 refusal, shall be deemed not to have withdrawn the consent
17 provided above, and the test may be administered.

18 3. A person requested to submit to a chemical test as
19 provided above shall be verbally advised by the law
20 enforcement officer requesting the test that a refusal to
21 submit to the test will result in suspension of such
22 person's privilege to operate a watercraft for a minimum of
23 2 years. Following this warning, if a person under arrest
24 refuses upon the request of a law enforcement officer to
25 submit to a test designated by the officer, no test shall
26 be given, but the law enforcement officer shall file with

1 the clerk of the circuit court for the county in which the
2 arrest was made, and with the Department of Natural
3 Resources, a sworn statement naming the person refusing to
4 take and complete the chemical test or tests requested
5 under the provisions of this Section. Such sworn statement
6 shall identify the arrested person, such person's current
7 residence address and shall specify that a refusal by such
8 person to take the chemical test or tests was made. Such
9 sworn statement shall include a statement that the
10 arresting officer had reasonable cause to believe the
11 person was operating or was in actual physical control of
12 the watercraft within this State while under the influence
13 of alcohol, other drug or drugs, intoxicating compound or
14 compounds, or combination thereof and that such chemical
15 test or tests were made as an incident to and following the
16 lawful arrest for an offense as defined in this Section or
17 a similar provision of a local ordinance, and that the
18 person after being arrested for an offense arising out of
19 acts alleged to have been committed while so operating a
20 watercraft refused to submit to and complete a chemical
21 test or tests as requested by the law enforcement officer.

22 3.1. The law enforcement officer submitting the sworn
23 statement as provided in paragraph 3 of this subsection (B)
24 shall serve immediate written notice upon the person
25 refusing the chemical test or tests that the person's
26 privilege to operate a watercraft within this State will be

1 suspended for a period of 2 years unless, within 28 days
2 from the date of the notice, the person requests in writing
3 a hearing on the suspension.

4 If the person desires a hearing, such person shall file
5 a complaint in the circuit court for and in the county in
6 which such person was arrested for such hearing. Such
7 hearing shall proceed in the court in the same manner as
8 other civil proceedings, shall cover only the issues of
9 whether the person was placed under arrest for an offense
10 as defined in this Section or a similar provision of a
11 local ordinance as evidenced by the issuance of a uniform
12 citation; whether the arresting officer had reasonable
13 grounds to believe that such person was operating a
14 watercraft while under the influence of alcohol, other drug
15 or drugs, intoxicating compound or compounds, or
16 combination thereof; and whether such person refused to
17 submit and complete the chemical test or tests upon the
18 request of the law enforcement officer. Whether the person
19 was informed that such person's privilege to operate a
20 watercraft would be suspended if such person refused to
21 submit to the chemical test or tests shall not be an issue.

22 If the person fails to request in writing a hearing
23 within 28 days from the date of notice, or if a hearing is
24 held and the court finds against the person on the issues
25 before the court, the clerk shall immediately notify the
26 Department of Natural Resources, and the Department shall

1 suspend the watercraft operation privileges of the person
2 for at least 2 years.

3 3.2. If the person submits to a test that discloses an
4 alcohol concentration of 0.08 or more, or any amount of a
5 drug, substance or intoxicating compound in the person's
6 breath, blood, or urine resulting from the unlawful use of
7 cannabis listed in the Cannabis Control Act, a controlled
8 substance listed in the Illinois Controlled Substances
9 Act, or an intoxicating compound listed in the Use of
10 Intoxicating Compounds Act, the law enforcement officer
11 shall immediately submit a sworn report to the circuit
12 clerk of venue and the Department of Natural Resources,
13 certifying that the test or tests were requested under
14 paragraph 1 of this subsection (B) and the person submitted
15 to testing that disclosed an alcohol concentration of 0.08
16 or more.

17 In cases where the blood alcohol concentration of 0.08
18 or greater or any amount of drug, substance or compound
19 resulting from the unlawful use of cannabis, a controlled
20 substance or an intoxicating compound is established by a
21 subsequent analysis of blood or urine collected at the time
22 of arrest, the arresting officer or arresting agency shall
23 immediately submit a sworn report to the circuit clerk of
24 venue and the Department of Natural Resources upon receipt
25 of the test results.

26 4. A person must submit to each chemical test offered

1 by the law enforcement officer in order to comply with the
2 implied consent provisions of this Section.

3 5. The provisions of Section 11-501.2 of the Illinois
4 Vehicle Code, as amended, concerning the certification and
5 use of chemical tests apply to the use of such tests under
6 this Section.

7 (C) Upon the trial of any civil or criminal action or
8 proceeding arising out of acts alleged to have been committed
9 by any person while operating a watercraft while under the
10 influence of alcohol, the concentration of alcohol in the
11 person's blood or breath at the time alleged as shown by
12 analysis of a person's blood, urine, breath, or other bodily
13 substance shall give rise to the presumptions specified in
14 subdivisions 1, 2, and 3 of subsection (b) of Section 11-501.2
15 of the Illinois Vehicle Code. The foregoing provisions of this
16 subsection (C) shall not be construed as limiting the
17 introduction of any other relevant evidence bearing upon the
18 question whether the person was under the influence of alcohol.

19 (D) If a person under arrest refuses to submit to a
20 chemical test under the provisions of this Section, evidence of
21 refusal shall be admissible in any civil or criminal action or
22 proceeding arising out of acts alleged to have been committed
23 while the person under the influence of alcohol, other drug or
24 drugs, intoxicating compound or compounds, or combination of
25 them was operating a watercraft.

26 (E) The owner of any watercraft or any person given

1 supervisory authority over a watercraft, may not knowingly
2 permit a watercraft to be operated by any person under the
3 influence of alcohol, other drug or drugs, intoxicating
4 compound or compounds, or combination thereof.

5 (F) Whenever any person is convicted or found guilty of a
6 violation of this Section, including any person placed on court
7 supervision, the court shall notify the Office of Law
8 Enforcement of the Department of Natural Resources, to provide
9 the Department with the records essential for the performance
10 of the Department's duties to monitor and enforce any order of
11 suspension or revocation concerning the privilege to operate a
12 watercraft.

13 (G) No person who has been arrested and charged for
14 violating paragraph 1 of subsection (A) of this Section shall
15 operate any watercraft within this State for a period of 24
16 hours after such arrest.

17 (Source: P.A. 93-156, eff. 1-1-04; 94-214, eff. 1-1-06.)

18 Section 99. Effective date. This Act takes effect upon
19 becoming law.