

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21 has been revoked for a previous violation of subsection (a)  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.