



Sen. John J. Cullerton

**Filed: 2/22/2007**

09500SB0300sam001

LRB095 04864 DRH 31243 a

1 AMENDMENT TO SENATE BILL 300

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 300 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The State Finance Act is amended by adding  
5 Section 5.675 as follows:

6 (30 ILCS 105/5.675 new)

7 Sec. 5.675. The Alcohol Monitoring Device Fund.

8 Section 10. The Illinois Vehicle Code is amended by  
9 changing Sections 6-206, 6-206.1, 6-208.1, 6-208.2, 6-303, and  
10 11-501 and adding Sections 1-101.9 and 1-144.5 as follows:

11 (625 ILCS 5/1-101.9 new)

12 Sec. 1-101.9. Alternative alcohol monitoring device. A  
13 device approved by the Department of State Police that:

14 (1) measures blood alcohol concentration, by breath,

1 transdermal absorption, or other means, with an accuracy equal  
2 to that required of an ignition interlock device;

3 (2) provides identification of the person being tested by  
4 the device;

5 (3) is capable of periodically measuring the blood alcohol  
6 concentration and storing the results of the test, along with  
7 the date and time of the test;

8 (4) has features that make the device difficult to  
9 circumvent or tamper with, and records evidence of tampering;

10 (5) will maintain its calibration accuracy for a minimum  
11 time period established by the Department of State Police;

12 (6) will not be affected by factors the device may be  
13 subject to in normal operating conditions such as: power  
14 fluctuations; humidity; dust; vibration; electromagnetic  
15 fields; static; or radio frequency interference;

16 (7) made by a manufacturer that is covered by product  
17 liability insurance equal to the amount required of ignition  
18 interlock device manufacturers;

19 (8) is capable of transmitting the blood alcohol  
20 concentration and other data in a format specified by rules of  
21 the Department of State Police; and

22 (9) meets other criteria established by rules of the  
23 Department of State Police.

24 (625 ILCS 5/1-144.5 new)

25 Sec. 1-144.5. Monitoring device driver's license. A

1 license that allows a person whose driver's license has been  
2 summarily suspended under Section 11-501.1 to drive a vehicle,  
3 for the applicable period described in Section 6-206.1, if:

4 (1) the vehicle is equipped with an ignition interlock  
5 device as defined in Section 1-129.1; or

6 (2) the person uses an alternative alcohol monitoring  
7 device as defined in Section 1-101.9.

8 (625 ILCS 5/6-206) (from Ch. 95 1/2, par. 6-206)

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

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

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

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

23 3. Has been repeatedly involved as a driver in motor  
24 vehicle collisions or has been repeatedly convicted of  
25 offenses against laws and ordinances regulating the

1 movement of traffic, to a degree that indicates lack of  
2 ability to exercise ordinary and reasonable care in the  
3 safe operation of a motor vehicle or disrespect for the  
4 traffic laws and the safety of other persons upon the  
5 highway;

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

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

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

23 7. Has refused or failed to submit to an examination  
24 provided for by Section 6-207 or has failed to pass the  
25 examination;

26 8. Is ineligible for a driver's license or permit under

1 the provisions of Section 6-103;

2 9. Has made a false statement or knowingly concealed a  
3 material fact or has used false information or  
4 identification in any application for a license,  
5 identification card, or permit;

6 10. Has possessed, displayed, or attempted to  
7 fraudulently use any license, identification card, or  
8 permit not issued to the person;

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

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

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

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

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

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

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

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

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

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

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

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

1 year;

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

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

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

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

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

21 28. Has been convicted of the illegal possession, while  
22 operating or in actual physical control, as a driver, of a  
23 motor vehicle, of any controlled substance prohibited  
24 under the Illinois Controlled Substances Act, any cannabis  
25 prohibited under the Cannabis Control Act, or any  
26 methamphetamine prohibited under the Methamphetamine

1 Control and Community Protection Act, in which case the  
2 person's driving privileges shall be suspended for one  
3 year, and any driver who is convicted of a second or  
4 subsequent offense, within 5 years of a previous  
5 conviction, for the illegal possession, while operating or  
6 in actual physical control, as a driver, of a motor  
7 vehicle, of any controlled substance prohibited under the  
8 Illinois Controlled Substances Act, any cannabis  
9 prohibited under the Cannabis Control Act, or any  
10 methamphetamine prohibited under the Methamphetamine  
11 Control and Community Protection Act shall be suspended for  
12 5 years. Any defendant found guilty of this offense while  
13 operating a motor vehicle, shall have an entry made in the  
14 court record by the presiding judge that this offense did  
15 occur while the defendant was operating a motor vehicle and  
16 order the clerk of the court to report the violation to the  
17 Secretary of State;

18 29. Has been convicted of the following offenses that  
19 were committed while the person was operating or in actual  
20 physical control, as a driver, of a motor vehicle: criminal  
21 sexual assault, predatory criminal sexual assault of a  
22 child, aggravated criminal sexual assault, criminal sexual  
23 abuse, aggravated criminal sexual abuse, juvenile pimping,  
24 soliciting for a juvenile prostitute and the manufacture,  
25 sale or delivery of controlled substances or instruments  
26 used for illegal drug use or abuse in which case the



1 driver's driving privileges shall be suspended for one  
2 year;

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

7 31. Has refused to submit to a test as required by  
8 Section 11-501.6 or has submitted to a test resulting in an  
9 alcohol concentration of 0.08 or more or any amount of a  
10 drug, substance, or compound resulting from the unlawful  
11 use or consumption of cannabis as listed in the Cannabis  
12 Control Act, a controlled substance as listed in the  
13 Illinois Controlled Substances Act, or an intoxicating  
14 compound as listed in the Use of Intoxicating Compounds  
15 Act, in which case the penalty shall be as prescribed in  
16 Section 6-208.1;

17 32. Has been convicted of Section 24-1.2 of the  
18 Criminal Code of 1961 relating to the aggravated discharge  
19 of a firearm if the offender was located in a motor vehicle  
20 at the time the firearm was discharged, in which case the  
21 suspension shall be for 3 years;

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

26 34. Has committed a violation of Section 11-1301.5 of

1 this Code;

2 35. Has committed a violation of Section 11-1301.6 of  
3 this Code;

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

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

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

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

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

19 41. Has committed a second or subsequent violation of  
20 Section 11-605.1 of this Code within 2 years of the date of  
21 the previous violation, in which case the suspension shall  
22 be for 90 days; or

23 42. Has committed a violation of subsection (a-1) of  
24 Section 11-1301.3 of this Code.

25 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,  
26 and 27 of this subsection, license means any driver's license,

1 any traffic ticket issued when the person's driver's license is  
2 deposited in lieu of bail, a suspension notice issued by the  
3 Secretary of State, a duplicate or corrected driver's license,  
4 a probationary driver's license or a temporary driver's  
5 license.

6 (b) If any conviction forming the basis of a suspension or  
7 revocation authorized under this Section is appealed, the  
8 Secretary of State may rescind or withhold the entry of the  
9 order of suspension or revocation, as the case may be, provided  
10 that a certified copy of a stay order of a court is filed with  
11 the Secretary of State. If the conviction is affirmed on  
12 appeal, the date of the conviction shall relate back to the  
13 time the original judgment of conviction was entered and the 6  
14 month limitation prescribed shall not apply.

15 (c) 1. Upon suspending or revoking the driver's license or  
16 permit of any person as authorized in this Section, the  
17 Secretary of State shall immediately notify the person in  
18 writing of the revocation or suspension. The notice to be  
19 deposited in the United States mail, postage prepaid, to  
20 the last known address of the person.

21 2. If the Secretary of State suspends the driver's  
22 license of a person under subsection 2 of paragraph (a) of  
23 this Section, a person's privilege to operate a vehicle as  
24 an occupation shall not be suspended, provided an affidavit  
25 is properly completed, the appropriate fee received, and a  
26 permit issued prior to the effective date of the

1 suspension, unless 5 offenses were committed, at least 2 of  
2 which occurred while operating a commercial vehicle in  
3 connection with the driver's regular occupation. All other  
4 driving privileges shall be suspended by the Secretary of  
5 State. Any driver prior to operating a vehicle for  
6 occupational purposes only must submit the affidavit on  
7 forms to be provided by the Secretary of State setting  
8 forth the facts of the person's occupation. The affidavit  
9 shall also state the number of offenses committed while  
10 operating a vehicle in connection with the driver's regular  
11 occupation. The affidavit shall be accompanied by the  
12 driver's license. Upon receipt of a properly completed  
13 affidavit, the Secretary of State shall issue the driver a  
14 permit to operate a vehicle in connection with the driver's  
15 regular occupation only. Unless the permit is issued by the  
16 Secretary of State prior to the date of suspension, the  
17 privilege to drive any motor vehicle shall be suspended as  
18 set forth in the notice that was mailed under this Section.  
19 If an affidavit is received subsequent to the effective  
20 date of this suspension, a permit may be issued for the  
21 remainder of the suspension period.

22 The provisions of this subparagraph shall not apply to  
23 any driver required to possess a CDL for the purpose of  
24 operating a commercial motor vehicle.

25 Any person who falsely states any fact in the affidavit  
26 required herein shall be guilty of perjury under Section

1           6-302 and upon conviction thereof shall have all driving  
2           privileges revoked without further rights.

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

24          If a person's license or permit has been revoked or  
25          suspended due to 2 or more convictions of violating Section  
26          11-501 of this Code or a similar provision of a local

1 ordinance or a similar out-of-state offense, arising out of  
2 separate occurrences, that person, if issued a restricted  
3 driving permit, may not operate a vehicle unless it has  
4 been equipped with an ignition interlock device as defined  
5 in Section 1-129.1.

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

1 one year from the date of issuance. The Secretary may not,  
2 however, issue a restricted driving permit to any person  
3 whose current revocation is the result of a second or  
4 subsequent conviction for a violation of Section 11-501 of  
5 this Code or a similar provision of a local ordinance  
6 relating to the offense of operating or being in physical  
7 control of a motor vehicle while under the influence of  
8 alcohol, other drug or drugs, intoxicating compound or  
9 compounds, or any similar out-of-state offense, or any  
10 combination of those offenses, until the expiration of at  
11 least one year from the date of the revocation. A  
12 restricted driving permit issued under this Section shall  
13 be subject to cancellation, revocation, and suspension by  
14 the Secretary of State in like manner and for like cause as  
15 a driver's license issued under this Code may be cancelled,  
16 revoked, or suspended; except that a conviction upon one or  
17 more offenses against laws or ordinances regulating the  
18 movement of traffic shall be deemed sufficient cause for  
19 the revocation, suspension, or cancellation of a  
20 restricted driving permit. The Secretary of State may, as a  
21 condition to the issuance of a restricted driving permit,  
22 require the applicant to participate in a designated driver  
23 remedial or rehabilitative program. The Secretary of State  
24 is authorized to cancel a restricted driving permit if the  
25 permit holder does not successfully complete the program.

26 (c-5) The Secretary of State may, as a condition of the

1 reissuance of a driver's license or permit to an applicant  
2 whose driver's license or permit has been suspended before he  
3 or she reached the age of 18 years pursuant to any of the  
4 provisions of this Section, require the applicant to  
5 participate in a driver remedial education course and be  
6 retested under Section 6-109 of this Code.

7 (d) This Section is subject to the provisions of the  
8 Drivers License Compact.

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

13 (f) In accordance with 49 C.F.R. 384, the Secretary of  
14 State may not issue a restricted driving permit for the  
15 operation of a commercial motor vehicle to a person holding a  
16 CDL whose driving privileges have been suspended or revoked  
17 under any provisions of this Code.

18 (Source: P.A. 93-120, eff. 1-1-04; 93-667, eff. 3-19-04;  
19 93-788, eff. 1-1-05; 93-955, eff. 8-19-04; 94-307, eff.  
20 9-30-05; 94-556, eff. 9-11-05; 94-930, eff. 6-26-06.)

21 (625 ILCS 5/6-206.1) (from Ch. 95 1/2, par. 6-206.1)

22 Sec. 6-206.1. Monitoring device driver's license ~~Judicial~~  
23 ~~Driving Permit~~. Declaration of Policy. It is hereby declared a  
24 policy of the State of Illinois that the driver who is impaired  
25 by alcohol, other drug or drugs, or intoxicating compound or



1 compounds is a threat to the public safety and welfare.  
2 Therefore, to provide a deterrent to such practice and to  
3 remove problem drivers from the highway, a statutory summary  
4 driver's license suspension is appropriate. It is also  
5 recognized that driving is a privilege and therefore, that ~~in~~  
6 ~~some cases~~ the granting of limited driving privileges, where  
7 consistent with public safety, is warranted during the period  
8 of suspension in the form of a monitoring device driver's  
9 license ~~a judicial driving permit to drive for the purpose of~~  
10 ~~employment, receiving drug treatment or medical care, and~~  
11 ~~educational pursuits, where no alternative means of~~  
12 ~~transportation is available.~~

13 The following procedures shall apply whenever a first  
14 offender is arrested for any offense as defined in Section  
15 11-501 or a similar provision of a local ordinance:

16 (a) Subsequent to a notification of a statutory summary  
17 suspension of driving privileges as provided in Section  
18 11-501.1, the circuit court shall order that the first offender  
19 as defined in Section 11-500 shall be issued a monitoring  
20 device driver's license ~~may petition the circuit court of venue~~  
21 ~~for a Judicial Driving Permit, hereinafter referred as a JDP,~~  
22 ~~to relieve undue hardship.~~ The court shall ~~may~~ issue a court  
23 order, pursuant to the criteria contained in this Section,  
24 directing the Secretary of State to issue a monitoring device  
25 driver's license ~~such a JDP~~ to the person ~~petitioner~~. A  
26 monitoring device driver's license ~~A JDP~~ shall not become

1 effective prior to the 31st day of the original statutory  
2 summary suspension and shall not be issued by the Secretary of  
3 State until the person provides proof of installation of an  
4 approved ignition interlock device, as defined in Section  
5 1-129.1, or an alternative alcohol monitoring device, as  
6 defined in Section 1-101.9.

7 (a-1) A person issued a monitoring device driver's license  
8 may drive for any purpose and at any time, subject to the rules  
9 adopted by the Department of State Police under subsection (h).  
10 The person must, at his or her own expense, drive only vehicles  
11 equipped with an ignition interlock device as defined in  
12 Section 1-129.1. If the person has no vehicle on which to  
13 install an ignition interlock device, he or she must use an  
14 alternative alcohol monitoring device as defined in Section  
15 1-101.9. The person must provide evidence sufficient to satisfy  
16 the court that the ignition interlock device has been installed  
17 in the designated vehicle or vehicles or that the person is  
18 using the alternative alcohol monitoring device as required.  
19 ~~and shall always be subject to the following criteria:~~

20 ~~1. If ordered for the purposes of employment, the JDP~~  
21 ~~shall be only for the purpose of providing the petitioner~~  
22 ~~the privilege of driving a motor vehicle between the~~  
23 ~~petitioner's residence and the petitioner's place of~~  
24 ~~employment and return; or within the scope of the~~  
25 ~~petitioner's employment related duties, shall be effective~~  
26 ~~only during and limited to those specific times and routes~~

1 ~~actually required to commute or perform the petitioner's~~  
2 ~~employment related duties.~~

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

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

23 ~~4. The Court shall not issue an order granting a JDP to:~~

24 ~~(i) Any person unless and until the court, after~~  
25 ~~considering the results of a current professional~~  
26 ~~evaluation of the person's alcohol or other drug use by an~~

1 ~~agency pursuant to Section 15-10 of the Alcoholism and~~  
2 ~~Other Drug Abuse and Dependency Act and other appropriate~~  
3 ~~investigation of the person, is satisfied that granting the~~  
4 ~~privilege of driving a motor vehicle on the highways will~~  
5 ~~not endanger the public safety or welfare.~~

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

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

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

22 ~~(v) Any person for the operation of a commercial motor~~  
23 ~~vehicle if the person's driving privileges have been~~  
24 ~~suspended under any provision of this Code in accordance~~  
25 ~~with 49 C.F.R. Part 384.~~

26 (b) (Blank). ~~Prior to ordering the issuance of a JDP the~~

1 ~~Court should consider at least, but not be limited to, the~~  
2 ~~following issues:~~

3 ~~1. Whether the person is employed and no other means of~~  
4 ~~commuting to the place of employment is available or that~~  
5 ~~the person must drive as a condition of employment. The~~  
6 ~~employer shall certify the hours of employment and the need~~  
7 ~~and parameters necessary for driving as a condition to~~  
8 ~~employment.~~

9 ~~2. Whether the person must drive to secure alcohol or~~  
10 ~~other medical treatment for himself or a family member.~~

11 ~~3. Whether the person must drive for educational~~  
12 ~~purposes. The educational institution shall certify the~~  
13 ~~person's enrollment in and academic schedule at the~~  
14 ~~institution.~~

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

18 ~~5. Whether the person has been convicted of a traffic~~  
19 ~~violation in connection with a traffic accident resulting~~  
20 ~~in the death of any person within the last 5 years.~~

21 ~~6. Whether the person is likely to obey the limited~~  
22 ~~provisions of the JDP.~~

23 ~~7. Whether the person has any additional traffic~~  
24 ~~violations pending in any court.~~

25 ~~For purposes of this Section, programs conducting~~  
26 ~~professional evaluations of a person's alcohol, other drug, or~~

1 ~~intoxicating compound use must report, to the court of venue,~~  
2 ~~using a form prescribed by the Secretary of State. A copy of~~  
3 ~~such evaluations shall be sent to the Secretary of State by the~~  
4 ~~court. However, the evaluation information shall be privileged~~  
5 ~~and only available to courts and to the Secretary of State, but~~  
6 ~~shall not be admissible in the subsequent trial on the~~  
7 ~~underlying charge.~~

8 (c) The scope of any court order issued for a monitoring  
9 device driver's license ~~a JDP~~ under this Section shall be  
10 limited to the operation of a motor vehicle as provided for in  
11 subsection (a-1) ~~(a)~~ of this Section ~~and shall specify the~~  
12 ~~petitioner's residence, place of employment or location of~~  
13 ~~educational institution, and the scope of job related duties,~~  
14 ~~if relevant. The JDP shall also specify days of the week and~~  
15 ~~specific hours of the day when the petitioner is able to~~  
16 ~~exercise the limited privilege of operating a motor vehicle.~~

17 (c-1) If the person ~~petitioner~~ is issued a citation for a  
18 violation of Section 6-303 during the period of a statutory  
19 summary suspension entered under Section 11-501.1 of this Code,  
20 or if the person ~~petitioner~~ is charged with a violation of  
21 Section 11-501 or a similar provision of a local ordinance or a  
22 similar out of state offense which occurs after the current  
23 violation of Section 11-501 or a similar provision of a local  
24 ordinance, the court may not grant the person ~~petitioner~~ a  
25 monitoring device driver's license ~~a JDP~~ unless the petitioner  
26 is acquitted or the citation or complaint is otherwise

1 dismissed.

2 If the person ~~petitioner~~ is issued a citation for a  
3 violation of Section 6-303 or a violation of Section 11-501 or  
4 a similar provision of a local ordinance or a similar out of  
5 state offense during the term of the monitoring device driver's  
6 license ~~JDP~~, the officer issuing the citation, or the law  
7 enforcement agency employing that officer, shall confiscate  
8 the monitoring device driver's license ~~JDP~~ and immediately send  
9 the monitoring device driver's license ~~JDP~~ and notice of the  
10 citation to the court that ordered the issuance of the  
11 monitoring device driver's license ~~JDP~~. Within 10 days of  
12 receipt, the issuing court, upon notice to the person  
13 ~~petitioner~~, shall conduct a hearing to consider cancellation of  
14 the monitoring device driver's license ~~JDP~~. If the court enters  
15 an order of cancellation, the court shall forward the order to  
16 the Secretary of State, and the Secretary shall cancel the  
17 monitoring device driver's license ~~JDP~~ and notify the person  
18 ~~petitioner~~ of the cancellation. If, however, the person  
19 ~~petitioner~~ is convicted of the offense before the monitoring  
20 device driver's license ~~JDP~~ has been cancelled, the court of  
21 venue shall send notice of conviction to the court that ordered  
22 issuance of the monitoring device driver's license ~~JDP~~. The  
23 court receiving the notice shall immediately enter an order of  
24 cancellation and forward the order to the Secretary of State.  
25 The Secretary shall cancel the monitoring device driver's  
26 license ~~JDP~~ and notify the person ~~petitioner~~ of the

1 cancellation.

2 If the person ~~petitioner~~ is issued a citation for any other  
3 traffic related offense during the term of the monitoring  
4 device driver's license ~~JDP~~, the officer issuing the citation,  
5 or the law enforcement agency employing that officer, shall  
6 send notice of the citation to the court that ordered issuance  
7 of the monitoring device driver's license ~~JDP~~. Upon receipt and  
8 notice to the person ~~petitioner~~ and an opportunity for a  
9 hearing, the court shall determine whether the violation  
10 constitutes grounds for cancellation of the monitoring device  
11 driver's license ~~JDP~~. If the court enters an order of  
12 cancellation, the court shall forward the order to the  
13 Secretary of State, and the Secretary shall cancel the  
14 monitoring device driver's license ~~JDP~~ and shall notify the  
15 person ~~petitioner~~ of the cancellation.

16 (c-5) If the court determines that the person to whom the  
17 monitoring device driver's license is issued is indigent, the  
18 court shall provide the person with a written document as  
19 evidence of that determination, and the person shall provide  
20 that written document to a device provider. The provider shall  
21 install a device on that person's vehicle and seek  
22 reimbursement from the Alcohol Monitoring Device Fund.

23 (d) The Secretary of State shall, upon receiving a court  
24 order from the court of venue, issue a monitoring device  
25 driver's license ~~a JDP~~ to a person ~~successful Petitioner~~ under  
26 this Section. Such court order form shall also contain a



1 notification, which shall be sent to the Secretary of State,  
2 providing the name, driver's license number, and legal address  
3 of the person ~~successful petitioner, and the full and detailed~~  
4 ~~description of the limitations of the JDP.~~ This information  
5 shall be available only to the courts, police officers, and the  
6 Secretary of State, except during the actual period the  
7 monitoring device driver's license JDP is valid, during which  
8 time it shall be a public record. The Secretary of State shall  
9 design and furnish to the courts an official court order form  
10 to be used by the courts when directing the Secretary of State  
11 to issue a monitoring device driver's license ~~a JDP.~~

12 Any submitted court order that contains insufficient data  
13 or fails to comply with this Code shall not be utilized for  
14 monitoring device driver's license JDP issuance or entered to  
15 the driver record but shall be returned to the issuing court  
16 indicating why the monitoring device driver's license JDP  
17 cannot be so entered. A notice of this action shall also be  
18 sent to the monitoring device driver's license JDP petitioner  
19 by the Secretary of State.

20 (e) (Blank). ~~The circuit court of venue may conduct the~~  
21 ~~judicial hearing, as provided in Section 2-118.1, and the JDP~~  
22 ~~hearing provided in this Section, concurrently. Such~~  
23 ~~concurrent hearing shall proceed in the court in the same~~  
24 ~~manner as in other civil proceedings.~~

25 (f) (Blank). ~~The circuit court of venue may, as a condition~~  
26 ~~of the issuance of a JDP, prohibit the person from operating a~~

1 ~~motor vehicle not equipped with an ignition interlock device.~~

2 (g) A person whose driver's license has been summarily  
3 suspended for 6 months under subdivision (a)2 of Section  
4 6-208.1 of this Code or for 12 months under subdivision (a)1 of  
5 that Section, if he or she is issued a monitoring device  
6 driver's license in accordance with this Section and he or she  
7 complies with the terms of the license as provided in the rules  
8 adopted by the Department of State Police under subsection (h),  
9 shall hold that license for the remainder of his or her period  
10 of suspension, except as otherwise provided in the rules  
11 adopted under subsection (h).

12 (h) The Department of State Police, in consultation with  
13 the Secretary of State and the Department of Transportation,  
14 shall adopt rules for implementing this Section. The rules  
15 adopted shall address issues including, but not limited to:  
16 compliance with the requirements of the monitoring device  
17 driver's license; methods for determining compliance with  
18 those requirements; the consequences of noncompliance with  
19 those requirements; and the duties of a person or entity that  
20 supplies the ignition interlock device or alternative alcohol  
21 monitoring devices required under this Section to offenders in  
22 this State. When adopting rules under this Section, the  
23 Department shall adopt, in its entirety, Title 92, Chapter II,  
24 Part 1001, Section 1001.442, of the Administrative Code of this  
25 State, BAIID Providers Certification Procedures and  
26 Responsibilities, Approval of Breath Alcohol Ignition

1 Interlock Devices; Inspections; BAIID Installers  
2 Responsibilities; Disqualification of a BAIID Provider. The  
3 Department may also adopt additional rules, including but not  
4 limited to, ignition interlock device requirements, duties of  
5 ignition interlock device installers, approval and evaluation  
6 of ignition interlock device devices seeking approval, and  
7 Department auditing procedures of ignition interlock device  
8 devices, installers, and device data reporting systems and  
9 procedures. In addition, the Department shall adopt similar  
10 rules for approval of alternative alcohol monitoring devices,  
11 including: certification and responsibilities; inspections;  
12 installer responsibilities; department auditing procedures of  
13 alternative alcohol monitoring devices, installers and device  
14 data reporting systems and procedures; and disqualification of  
15 an alternative alcohol monitoring device provider.

16 (i) The rules adopted under subsection (h) shall provide  
17 that a person is not in compliance with the requirements of the  
18 monitoring device driver's license if he or she:

19 (1) tampers or attempts to tamper with or circumvent  
20 the proper operation of the ignition interlock device or  
21 the alternative alcohol monitoring device;

22 (2) provides valid breath or other samples that  
23 register blood alcohol levels in excess of the number of  
24 times allowed under the rules;

25 (3) if required to drive only a vehicle or vehicles  
26 equipped with an ignition interlock device, fails to

1 provide a sufficient number of breath samples to account  
2 for his or her expected usage of the designated vehicle or  
3 vehicles, creating an inference that he or she might be  
4 driving another vehicle, one not equipped with an ignition  
5 interlock device;

6 (4) fails to provide evidence sufficient to satisfy the  
7 Court that the ignition interlock device has been installed  
8 in the designated vehicle or vehicles or that the person is  
9 using the alternative alcohol monitoring device as  
10 required; or

11 (5) fails to follow any other applicable rules adopted  
12 by the Illinois State Police.

13 (j) The rules adopted under subsection (h) shall provide  
14 that a person who fails to comply with the rules, or who  
15 petitions the courts to reduce the suspension as authorized  
16 under subsection (m) of this Section, shall receive D.U.I.  
17 evaluation services from a person or program licensed under  
18 Section 15-10 of the Alcoholism and Other Drug Abuse and  
19 Dependency Act.

20 (k) The rules adopted under subsection (h) shall provide  
21 that a person who fails to comply with the rules shall, for a  
22 period specified by the rules, be required to drive only  
23 vehicles equipped with an ignition interlock device as defined  
24 in Section 1-129.1. If the person has no vehicle on which to  
25 install an ignition interlock device, he or she must use an  
26 alternative alcohol monitoring device.

1       (l) The rules adopted under subsection (h) shall provide  
2 that a person found to be in violation of the requirements of  
3 his or her monitoring device driver's license shall have the  
4 statutory summary suspension of his or her driving privileges  
5 extended for an additional 3 months. If the person again fails  
6 to meet these requirements, the suspension shall be extended  
7 for another 3 months, meaning that the suspension of the  
8 driving privileges of a person who continues to fail to meet  
9 these requirements could be extended indefinitely.

10       (m) The rules adopted under subsection (h) shall provide  
11 that a person who has complied with the rules, as determined  
12 through testing, inspection, or investigation, may petition  
13 the court to reduce the term of the suspension imposed under  
14 subdivision (a)1 or (a)2 of Section 6-208.2 by one-half. The  
15 court shall grant the petition if the person is found to be in  
16 compliance and the D.U.I. evaluation does not recommend alcohol  
17 treatment.

18       (n) The rules adopted under subsection (h) shall provide  
19 that a person whose driving privileges have been suspended  
20 under Section 6-208.1 or 6-208.2 shall not have those  
21 privileges restored by the Secretary of State until he or she  
22 has been found by the court to be in compliance with those  
23 rules. If the original summary suspension period ordered under  
24 Section 6-208.1 or Section 6-208.2 has terminated, and the  
25 person is seeking restoration of driving privileges and cannot  
26 show proof of compliance with the rules of the monitoring

1 device driver's license, or if the monitoring device driver's  
2 license was cancelled, the Secretary of State shall issue only  
3 a restricted driving permit requiring operating only a vehicle  
4 with an ignition interlock device as defined in Section 1-129.  
5 1 installed or use of an alternative monitoring device as  
6 defined in Section 1.101.9 for a period of twice the original  
7 summary suspension period ordered under Section 6-208.1 or  
8 Section 6-208.2.

9 (o) The rules adopted under subsection (h) shall provide  
10 that a person or entity that supplies the ignition interlock  
11 devices or alternative alcohol monitoring devices required  
12 under this Section to offenders in this State shall, in  
13 addition to supplying only those devices which fully comply  
14 with all the rules adopted under subsection (h), provide the  
15 applicable prosecuting authority within 3 days of inspection  
16 monitoring reports in a standardized form or format as adopted  
17 by rule of the Department of State Police regarding the  
18 compliance of each person with the requirements of his or her  
19 monitoring device driver's license. The monitoring and  
20 inspection performed by the persons or entities that provide  
21 ignition interlock devices or alternative alcohol monitoring  
22 devices under this Section shall include but not be limited to:  
23 a check or the calibration and proper operation of the device  
24 and recalibration; repair or replacement of the device if  
25 necessary; a physical or electronic inspection of the devices  
26 for evidence of tampering or circumvention of the devices;

1 proper operation; and a downloading and reporting of the data  
2 collected by the devices to the courts.

3 (p) The rules adopted under subsection (h) shall provide  
4 that a person or entity that supplies the ignition interlock  
5 devices or alternate alcohol monitoring devices required under  
6 this Section to offenders in this State shall, for each  
7 ignition interlock device the person or entity installs in a  
8 vehicle or for each alternative alcohol monitoring device the  
9 person or entity supplies to a person, pay 5% of the total  
10 gross revenue received for the device into the Alcohol  
11 Monitoring Device Fund. The amount charged shall be clearly  
12 indicated as a separate surcharge on each invoice that any  
13 person or entity that is authorized to provide either ignition  
14 interlock devices or alternative alcohol monitoring devices  
15 issues to any person using the devices. The Department of State  
16 Police shall conduct an annual review of the fund to determine  
17 whether the deposit level is sufficient to provide for indigent  
18 users. The Department may increase or decrease this deposit  
19 requirement as needed.

20 (q) The rules adopted under subsection (h) shall provide  
21 that, if a person or entity that supplies the ignition  
22 interlock devices or alternative alcohol monitoring devices  
23 required under this Section to offenders in this State is  
24 requested to provide one of those devices to a person who  
25 presents evidence that he or she is indigent, as provided  
26 subsection (c-5) of this Section, the person or entity shall

1 supply the device to the person and shall seek reimbursement  
2 from the Alcohol Monitoring Device Fund.

3 (r) The Alcohol Monitoring Device Fund is created as a  
4 special fund in the State treasury. The Department of State  
5 Police shall, subject to appropriation by the General Assembly  
6 and approval by the Secretary, use all moneys in the Alcohol  
7 Monitoring Device Fund to supply ignition interlock devices to  
8 indigent persons who are required under this Section to have  
9 these devices installed in their vehicles and to supply  
10 alternative alcohol monitoring devices to indigent persons who  
11 are required under this Section to use these devices.

12 (Source: P.A. 94-307, eff. 9-30-05; 94-357, eff. 1-1-06;  
13 94-930, eff. 6-26-06.)

14 (625 ILCS 5/6-208.1) (from Ch. 95 1/2, par. 6-208.1)

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

17 (a) Unless the statutory summary suspension has been  
18 rescinded, any person whose privilege to drive a motor vehicle  
19 on the public highways has been summarily suspended, pursuant  
20 to Section 11-501.1, shall not be eligible for restoration of  
21 the privilege until the expiration of:

- 22 1. Except as otherwise provided in rules adopted under  
23 Section 6-206.1, 12 ~~Six~~ months from the effective date of  
24 the statutory summary suspension for a refusal or failure  
25 to complete a test or tests to determine the alcohol, drug,



1 or intoxicating compound concentration, pursuant to  
2 Section 11-501.1; or

3 2. Except as otherwise provided in rules adopted under  
4 Section 6-206.1, 6 ~~Three~~ months from the effective date of  
5 the statutory summary suspension imposed following the  
6 person's submission to a chemical test which disclosed an  
7 alcohol concentration of 0.08 or more, or any amount of a  
8 drug, substance, or intoxicating compound in such person's  
9 breath, blood, or urine resulting from the unlawful use or  
10 consumption of cannabis listed in the Cannabis Control Act,  
11 a controlled substance listed in the Illinois Controlled  
12 Substances Act, or an intoxicating compound listed in the  
13 Use of Intoxicating Compounds Act, pursuant to Section  
14 11-501.1; or

15 3. Three years from the effective date of the statutory  
16 summary suspension for any person other than a first  
17 offender who refuses or fails to complete a test or tests  
18 to determine the alcohol, drug, or intoxicating compound  
19 concentration pursuant to Section 11-501.1; or

20 4. Eighteen months ~~One year~~ from the effective date of  
21 the summary suspension imposed for any person other than a  
22 first offender following submission to a chemical test  
23 which disclosed an alcohol concentration of 0.08 or more  
24 pursuant to Section 11-501.1 or any amount of a drug,  
25 substance or compound in such person's blood or urine  
26 resulting from the unlawful use or consumption of cannabis

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

5 (b) Following a statutory summary suspension of the  
6 privilege to drive a motor vehicle under Section 11-501.1, full  
7 driving privileges shall be restored unless the person is  
8 otherwise disqualified by this Code. If the court has reason to  
9 believe that the person's driving privilege should not be  
10 restored, the court shall notify the Secretary of State prior  
11 to the expiration of the statutory summary suspension so  
12 appropriate action may be taken pursuant to this Code.

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

17 (d) Where a driving privilege has been summarily suspended  
18 under Section 11-501.1 and the person is subsequently convicted  
19 of violating Section 11-501, or a similar provision of a local  
20 ordinance, for the same incident, any period served on  
21 statutory summary suspension shall be credited toward the  
22 minimum period of revocation of driving privileges imposed  
23 pursuant to Section 6-205.

24 (e) Following a statutory summary suspension of driving  
25 privileges pursuant to Section 11-501.1, for a first offender,  
26 the circuit court shall ~~may~~, after ~~at least~~ 30 days from the

1 effective date of the statutory summary suspension, issue a  
2 monitoring device driver's license ~~a judicial driving permit~~ as  
3 provided in Section 6-206.1.

4 (f) Subsequent to an arrest of a first offender, for any  
5 offense as defined in Section 11-501 or a similar provision of  
6 a local ordinance, following a statutory summary suspension of  
7 driving privileges pursuant to Section 11-501.1, for a first  
8 offender, the circuit court shall ~~may~~ issue a court order  
9 directing the Secretary of State to issue a monitoring device  
10 driver's license ~~a judicial driving permit~~ as provided in  
11 Section 6-206.1. However, this monitoring device driver's  
12 license ~~JDP~~ shall not be effective prior to the 31st day of the  
13 statutory summary suspension.

14 (g) (Blank). ~~Following a statutory summary suspension of~~  
15 ~~driving privileges pursuant to Section 11-501.1 where the~~  
16 ~~person was not a first offender, as defined in Section 11-500,~~  
17 ~~the Secretary of State may not issue a restricted driving~~  
18 ~~permit.~~

19 (h) (Blank).

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

21 (625 ILCS 5/6-208.2)

22 Sec. 6-208.2. Restoration of driving privileges; persons  
23 under age 21.

24 (a) Unless the suspension based upon consumption of alcohol  
25 by a minor or refusal to submit to testing has been rescinded

1 by the Secretary of State in accordance with item (c)(3) of  
2 Section 6-206 of this Code, a person whose privilege to drive a  
3 motor vehicle on the public highways has been suspended under  
4 Section 11-501.8 is not eligible for restoration of the  
5 privilege until the expiration of:

6 1. Six months from the effective date of the  
7 suspension, followed by 3 months of a monitoring device  
8 driver's license as defined in Section 1-144.5 for a  
9 refusal or failure to complete a test or tests to determine  
10 the alcohol concentration under Section 11-501.8;

11 2. Three months from the effective date of the  
12 suspension, followed by 3 months of a monitoring device  
13 driver's license as defined in Section 1-144.5, imposed  
14 following the person's submission to a chemical test which  
15 disclosed an alcohol concentration greater than 0.00 under  
16 Section 11-501.8;

17 3. One year ~~Two years~~ from the effective date of the  
18 suspension, followed by one year of a monitoring device  
19 driver's license as defined in Section 1-144.5, for a  
20 person who has been previously suspended under Section  
21 11-501.8 and who refuses or fails to complete a test or  
22 tests to determine the alcohol concentration under Section  
23 11-501.8; or

24 4. Six months ~~One year~~ from the effective date of the  
25 suspension, followed by 6 months of a monitoring device  
26 driver's license as defined by Section 1-144.5, imposed for

1 a person who has been previously suspended under Section  
2 11-501.8 following submission to a chemical test that  
3 disclosed an alcohol concentration greater than 0.00 under  
4 Section 11-501.8.

5 (b) Following a suspension of the privilege to drive a  
6 motor vehicle under Section 11-501.8, full driving privileges  
7 shall be restored unless the person is otherwise disqualified  
8 by this Code.

9 (c) Full driving privileges may not be restored until all  
10 applicable reinstatement fees, as provided by this Code, have  
11 been paid to the Secretary of State and the appropriate entry  
12 made to the driver's record. The Secretary of State may also,  
13 as a condition of the reissuance of a driver's license or  
14 permit to an individual under the age of 18 years whose driving  
15 privileges have been suspended pursuant to Section 11-501.8,  
16 require the applicant to participate in a driver remedial  
17 education course and be retested under Section 6-109.

18 (d) Where a driving privilege has been suspended under  
19 Section 11-501.8 and the person is subsequently convicted of  
20 violating Section 11-501, or a similar provision of a local  
21 ordinance, for the same incident, any period served on that  
22 suspension shall be credited toward the minimum period of  
23 revocation of driving privileges imposed under Section 6-205.

24 ~~(e) Following a suspension of driving privileges under~~  
25 ~~Section 11-501.8 for a person who has not had his or her~~  
26 ~~driving privileges previously suspended under that Section,~~

1 ~~the Secretary of State may issue a restricted driving permit~~  
2 ~~after at least 30 days from the effective date of the~~  
3 ~~suspension.~~

4 ~~(f) Following a second or subsequent suspension of driving~~  
5 ~~privileges under Section 11 501.8, the Secretary of State may~~  
6 ~~issue a restricted driving permit after at least 12 months from~~  
7 ~~the effective date of the suspension.~~

8 (e) ~~(g)~~ (Blank).

9 (f) ~~(h)~~ Any restricted driving permit considered under this  
10 Section is subject to the provisions of item (e) of Section  
11 11-501.8.

12 (Source: P.A. 92-248, eff. 8-3-01.)

13 (625 ILCS 5/6-303) (from Ch. 95 1/2, par. 6-303)

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

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

1 a Class A misdemeanor.

2 (b) The Secretary of State upon receiving a report of the  
3 conviction of any violation indicating a person was operating a  
4 motor vehicle during the time when said person's driver's  
5 license, permit or privilege was suspended by the Secretary, by  
6 the appropriate authority of another state, or pursuant to  
7 Section 11-501.1; except as may be specifically allowed by a  
8 probationary license to drive, a monitoring device driver's  
9 license, ~~judicial driving permit~~ or a restricted driving permit  
10 issued pursuant to this Code or the law of another state; shall  
11 extend the suspension for the same period of time as the  
12 originally imposed suspension; however, if the period of  
13 suspension has then expired, the Secretary shall be authorized  
14 to suspend said person's driving privileges for the same period  
15 of time as the originally imposed suspension; and if the  
16 conviction was upon a charge which indicated that a vehicle was  
17 operated during the time when the person's driver's license,  
18 permit or privilege was revoked; except as may be allowed by a  
19 restricted driving permit issued pursuant to this Code or the  
20 law of another state; the Secretary shall not issue a driver's  
21 license for an additional period of one year from the date of  
22 such conviction indicating such person was operating a vehicle  
23 during such period of revocation.

24 (c) Any person convicted of violating this Section shall  
25 serve a minimum term of imprisonment of 10 consecutive days or  
26 30 days of community service when the person's driving

1 privilege was revoked or suspended as a result of:

2 (1) a violation of Section 11-501 of this Code or a  
3 similar provision of a local ordinance relating to the  
4 offense of operating or being in physical control of a  
5 vehicle while under the influence of alcohol, any other  
6 drug or any combination thereof; or

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

11 (3) a violation of Section 9-3 of the Criminal Code of  
12 1961, as amended, relating to the offense of reckless  
13 homicide; or

14 (4) a statutory summary suspension under Section  
15 11-501.1 of this Code.

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

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

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

25 (1) Seizure of the license plates of the person's  
26 vehicle.



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

3           (d) Any person convicted of a second violation of this  
4           Section shall be guilty of a Class 4 felony and shall serve a  
5           minimum term of imprisonment of 30 days or 300 hours of  
6           community service, as determined by the court, if the  
7           revocation or suspension was for a violation of Section 11-401  
8           or 11-501 of this Code, or a similar out-of-state offense, or a  
9           similar provision of a local ordinance, a violation of Section  
10          9-3 of the Criminal Code of 1961, relating to the offense of  
11          reckless homicide, or a similar out-of-state offense, or a  
12          statutory summary suspension under Section 11-501.1 of this  
13          Code.

14          (d-1) Except as provided in subsection (d-2) and subsection  
15          (d-3), any person convicted of a third or subsequent violation  
16          of this Section shall serve a minimum term of imprisonment of  
17          30 days or 300 hours of community service, as determined by the  
18          court.

19          (d-2) Any person convicted of a third violation of this  
20          Section is guilty of a Class 4 felony and must serve a minimum  
21          term of imprisonment of 30 days if the revocation or suspension  
22          was for a violation of Section 11-401 or 11-501 of this Code,  
23          or a similar out-of-state offense, or a similar provision of a  
24          local ordinance, a violation of Section 9-3 of the Criminal  
25          Code of 1961, relating to the offense of reckless homicide, or  
26          a similar out-of-state offense, or a statutory summary

1 suspension under Section 11-501.1 of this Code.

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

12 (d-4) Any person convicted of a tenth, eleventh, twelfth,  
13 thirteenth, or fourteenth violation of this Section is guilty  
14 of a Class 3 felony, and is not eligible for probation or  
15 conditional discharge, if the revocation or suspension was for  
16 a violation of Section 11-401 or 11-501 of this Code, or a  
17 similar out-of-state offense, or a similar provision of a local  
18 ordinance, a violation of Section 9-3 of the Criminal Code of  
19 1961, relating to the offense of reckless homicide, or a  
20 similar out-of-state offense, or a statutory summary  
21 suspension under Section 11-501.1 of this Code.

22 (d-5) Any person convicted of a fifteenth or subsequent  
23 violation of this Section is guilty of a Class 2 felony, and is  
24 not eligible for probation or conditional discharge, if the  
25 revocation or suspension was for a violation of Section 11-401  
26 or 11-501 of this Code, or a similar out-of-state offense, or a

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

6 (e) Any person in violation of this Section who is also in  
7 violation of Section 7-601 of this Code relating to mandatory  
8 insurance requirements, in addition to other penalties imposed  
9 under this Section, shall have his or her motor vehicle  
10 immediately impounded by the arresting law enforcement  
11 officer. The motor vehicle may be released to any licensed  
12 driver upon a showing of proof of insurance for the vehicle  
13 that was impounded and the notarized written consent for the  
14 release by the vehicle owner.

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

18 (g) The motor vehicle used in a violation of this Section  
19 is subject to seizure and forfeiture as provided in Sections  
20 36-1 and 36-2 of the Criminal Code of 1961 if the person's  
21 driving privilege was revoked or suspended as a result of a  
22 violation listed in paragraph (1), (2), or (3) of subsection  
23 (c) of this Section or as a result of a summary suspension as  
24 provided in paragraph (4) of subsection (c) of this Section.

25 (Source: P.A. 94-112, eff. 1-1-06.)

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

2 (Text of Section from P.A. 93-1093 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  
26 compound listed in the Use of Intoxicating Compounds Act.

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

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

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

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

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

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

26           (b-4) In the case of a third or subsequent violation

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

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

10 (c) (Blank).

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

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

1 a mandatory minimum of 10 days of imprisonment or shall be  
2 assigned a mandatory minimum of 480 hours of community  
3 service, as may be determined by the court, as a condition  
4 of the probation or conditional discharge. This mandatory  
5 minimum term of imprisonment or assignment of community  
6 service shall not be suspended or 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 subsequent time, if the fourth or subsequent violation  
20 occurs during a period in which his or her driving  
21 privileges are revoked or suspended where the revocation or  
22 suspension was for a violation of subsection (a), Section  
23 11-501.1, paragraph (b) of Section 11-401, or for reckless  
24 homicide as defined in Section 9-3 of the Criminal Code of  
25 1961, is guilty of a Class 2 felony and is not eligible for  
26 a sentence of probation or conditional discharge.

1 (c-2) (Blank).

2 (c-3) (Blank).

3 (c-4) (Blank).

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

14 (2) Except as provided in subdivisions (c-5) (3) and  
15 (c-5) (4) a person who violates subsection (a) a second  
16 time, if at the time of the second violation the person was  
17 transporting a person under the age of 16, is subject to an  
18 additional 10 days of imprisonment, an additional  
19 mandatory minimum fine of \$1,000, and an additional  
20 mandatory minimum 140 hours of community service, which  
21 shall include 40 hours of community service in a program  
22 benefiting children. The imprisonment or assignment of  
23 community service under this subdivision (c-5) (2) is not  
24 subject to suspension, nor is the person eligible for a  
25 reduced sentence.

26 (3) Except as provided in subdivision (c-5) (4), any



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

11 (4) Any person convicted of violating subdivision  
12 (c-5)(2) or a similar provision within 5 years of a  
13 previous violation of subsection (a) or a similar provision  
14 shall receive, in addition to any other penalty imposed, an  
15 additional 80 hours of mandatory community service in a  
16 program benefiting children, an additional mandatory  
17 minimum 12 days of imprisonment, and a mandatory minimum  
18 fine of \$1,750. The imprisonment or assignment of community  
19 service under this subdivision (c-5)(4) is not subject to  
20 suspension, nor is the person eligible for a reduced  
21 sentence.

22 (5) Any person convicted a third time for violating  
23 subsection (a) or a similar provision, if at the time of  
24 the third violation the person was transporting a person  
25 under the age of 16, is guilty of a Class 4 felony and  
26 shall receive, in addition to any other penalty imposed, an

1 additional mandatory fine of \$1,000, an additional  
2 mandatory 140 hours of community service, which shall  
3 include 40 hours in a program benefiting children, and a  
4 mandatory minimum 30 days of imprisonment. The  
5 imprisonment or assignment of community service under this  
6 subdivision (c-5)(5) is not subject to suspension, nor is  
7 the person eligible for a reduced sentence.

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

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

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

6 (c-6)(1) Any person convicted of a first violation of  
7 subsection (a) or a similar provision, if the alcohol  
8 concentration in his or her blood, breath, or urine was  
9 0.16 or more based on the definition of blood, breath, or  
10 urine units in Section 11-501.2, shall be subject, in  
11 addition to any other penalty that may be imposed, to a  
12 mandatory minimum of 100 hours of community service and a  
13 mandatory minimum fine of \$500.

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

25 (3) Any person convicted of a third violation of  
26 subsection (a) or a similar provision within 20 years of a

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

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

25 (d) (1) Every person convicted of committing a violation of  
26 this Section shall be guilty of aggravated driving under

1 the influence of alcohol, other drug or drugs, or  
2 intoxicating compound or compounds, or any combination  
3 thereof if:

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

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

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

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

25 (E) the person, in committing a violation of  
26 subsection (a) while driving at any speed in a school

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

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

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

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

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

1 evaluation.

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

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

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

21 (h) (Blank).

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



1 the procedures for certification and use of the interlock  
2 system.

3 (j) In addition to any other penalties and liabilities, a  
4 person who is found guilty of or pleads guilty to violating  
5 subsection (a), including any person placed on court  
6 supervision for violating subsection (a), shall be fined \$500,  
7 payable to the circuit clerk, who shall distribute the money as  
8 follows: 20% to the law enforcement agency that made the arrest  
9 and 80% shall be forwarded to the State Treasurer for deposit  
10 into the General Revenue Fund. If the person has been  
11 previously convicted of violating subsection (a) or a similar  
12 provision of a local ordinance, the fine shall be \$1,000. In  
13 the event that more than one agency is responsible for the  
14 arrest, the amount payable to law enforcement agencies shall be  
15 shared equally. Any moneys received by a law enforcement agency  
16 under this subsection (j) 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. Equipment and commodities  
2 shall include, but are not limited to, in-car video cameras,  
3 radar and laser speed detection devices, and alcohol breath  
4 testers. Any moneys received by the Department of State Police  
5 under this subsection (j) shall be deposited into the State  
6 Police DUI Fund and shall be used for enforcement and  
7 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 that will assist in the prevention of alcohol  
12 related 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 (k) The Secretary of State Police DUI Fund is created as a  
19 special fund in the State treasury. All moneys received by the  
20 Secretary of State Police under subsection (j) of this Section  
21 shall be deposited into the Secretary of State Police DUI Fund  
22 and, subject to appropriation, shall be used for enforcement  
23 and prevention of driving while under the influence of alcohol,  
24 other drug or drugs, intoxicating compound or compounds or any  
25 combination thereof, as defined by this Section, including but  
26 not limited to the purchase of law enforcement equipment and

1 commodities to assist in the prevention of alcohol related  
2 criminal violence throughout the State; police officer  
3 training and education in areas related to alcohol related  
4 crime, including but not limited to DUI training; and police  
5 officer salaries, including but not limited to salaries for  
6 hire back funding for safety checkpoints, saturation patrols,  
7 and liquor store sting operations.

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

25 (m) In addition to any other fine or penalty required by  
26 law, an individual convicted of a violation of subsection (a),

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

16 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;  
17 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;  
18 93-840, eff. 7-30-04; 93-1093, eff. 3-29-05; 94-963, eff.  
19 6-28-06.)

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

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

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

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

4           (2) under the influence of alcohol;

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

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

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

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

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

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

26          (1) Any reference to a prior violation of subsection

1 (a) or a similar provision includes any violation of a  
2 provision of a local ordinance or a provision of a law of  
3 another state that is similar to a violation of subsection  
4 (a) of this Section.

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

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

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

19 (b-4) In the case of a third or subsequent violation  
20 committed within 5 years of a previous violation of subsection  
21 (a) or a similar provision, in addition to any other criminal  
22 or administrative sanction, a mandatory minimum term of either  
23 10 days of imprisonment or 480 hours of community service shall  
24 be imposed.

25 (b-5) The imprisonment or assignment of community service  
26 under subsections (b-3) and (b-4) shall not be subject to

1 suspension, nor shall the person be eligible for a reduced  
2 sentence.

3 (c) (Blank).

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

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

26 (2.2) A person who violates subsection (a), if the

1 violation occurs during a period in which his or her  
2 driving privileges are revoked or suspended where the  
3 revocation or suspension was for a violation of subsection  
4 (a) or Section 11-501.1, shall also be sentenced to an  
5 additional mandatory minimum term of 30 consecutive days of  
6 imprisonment, 40 days of 24-hour periodic imprisonment, or  
7 720 hours of community service, as may be determined by the  
8 court. This mandatory term of imprisonment or assignment of  
9 community service shall not be suspended or reduced by the  
10 court.

11 (3) A person who violates subsection (a) a fourth or  
12 subsequent time, if the fourth or subsequent violation  
13 occurs during a period in which his or her driving  
14 privileges are revoked or suspended where the revocation or  
15 suspension was for a violation of subsection (a), Section  
16 11-501.1, paragraph (b) of Section 11-401, or for reckless  
17 homicide as defined in Section 9-3 of the Criminal Code of  
18 1961, is guilty of a Class 2 felony and is not eligible for  
19 a sentence of probation or conditional discharge.

20 (c-2) (Blank).

21 (c-3) (Blank).

22 (c-4) (Blank).

23 (c-5) Except as provided in subsection (c-5.1), a person 21  
24 years of age or older who violates subsection (a), if the  
25 person was transporting a person under the age of 16 at the  
26 time of the violation, is subject to 6 months of imprisonment,



1 an additional mandatory minimum fine of \$1,000, and 25 days of  
2 community service in a program benefiting children. The  
3 imprisonment or assignment of community service under this  
4 subsection (c-5) is not subject to suspension, nor is the  
5 person eligible for a reduced sentence.

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

18 (c-6) Except as provided in subsections (c-7) and (c-7.1),  
19 a person 21 years of age or older who violates subsection (a) a  
20 second time, if at the time of the second violation the person  
21 was transporting a person under the age of 16, is subject to 6  
22 months of imprisonment, an additional mandatory minimum fine of  
23 \$1,000, and an additional mandatory minimum 140 hours of  
24 community service, which shall include 40 hours of community  
25 service in a program benefiting children. The imprisonment or  
26 assignment of community service under this subsection (c-6) is

1 not subject to suspension, nor is the person eligible for a  
2 reduced sentence.

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

13 (c-7.1) A person 21 years of age or older who is convicted  
14 of violating subsection (a) of this Section a second time  
15 within 10 years and who in committing that violation was  
16 involved in a motor vehicle accident that resulted in bodily  
17 harm to the child under the age of 16 being transported, if the  
18 violation was the proximate cause of the injury, is guilty of a  
19 Class 4 felony and is subject to 18 months of imprisonment, a  
20 mandatory fine of \$5,000, and 25 days of community service in a  
21 program benefiting children. The imprisonment or assignment to  
22 community service under this subsection (c-7.1) shall not be  
23 subject to suspension, nor shall the person be eligible for  
24 probation in order to reduce the sentence or assignment.

25 (c-8) (Blank).

26 (c-9) Any person 21 years of age or older convicted a third

1 time for violating subsection (a) or a similar provision, if at  
2 the time of the third violation the person was transporting a  
3 person under the age of 16, is guilty of a Class 4 felony and is  
4 subject to 18 months of imprisonment, a mandatory fine of  
5 \$2,500, and 25 days of community service in a program  
6 benefiting children. The imprisonment or assignment of  
7 community service under this subsection (c-9) is not subject to  
8 suspension, nor is the person eligible for a reduced sentence.

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

19 (c-11) Any person 21 years of age or older convicted a  
20 fourth or subsequent time for violating subsection (a) or a  
21 similar provision, if at the time of the fourth or subsequent  
22 violation the person was transporting a person under the age of  
23 16, and if the person's 3 prior violations of subsection (a) or  
24 a similar provision occurred while transporting a person under  
25 the age of 16 or while the alcohol concentration in his or her  
26 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, is guilty of a Class 2 felony, is not eligible for  
3 probation or conditional discharge, and is subject to a minimum  
4 fine of \$25,000.

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

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

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

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

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

26 (A) the person committed a violation of subsection

1 (a) or a similar provision for the third or subsequent  
2 time;

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

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

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

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

1           bodily harm or permanent disability or disfigurement,  
2           to another person, when the violation of subsection (a)  
3           was a proximate cause of the bodily harm; or

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

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

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

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

24 (e-1) Any person who is found guilty of or pleads guilty to  
25 violating this Section, including any person receiving a  
26 disposition of court supervision for violating this Section,



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

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

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

17 (h) (Blank).

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

25 (j) In addition to any other penalties and liabilities, a  
26 person who is found guilty of or pleads guilty to violating

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

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

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

1 officer salaries, including but not limited to salaries for  
2 hire back funding for safety checkpoints, saturation patrols,  
3 and liquor store sting operations.

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

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

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

12 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;  
13 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;  
14 93-840, eff. 7-30-04; 94-110, eff. 1-1-06; 94-963, eff.  
15 6-28-06.)

16 (Text of Section from P.A. 94-113, 94-609, and 94-963)

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

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

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

25 (2) under the influence of alcohol;

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

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

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

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

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

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

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

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

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

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

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

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

25          (c) (Blank).

26          (c-1) (1) A person who violates subsection (a) during a

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

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

15 (2.1) A person who violates subsection (a) a third  
16 time, if the third violation occurs during a period in  
17 which his or her driving privileges are revoked or  
18 suspended where the revocation or suspension was for a  
19 violation of subsection (a), Section 11-501.1, subsection  
20 (b) of Section 11-401, or for reckless homicide as defined  
21 in Section 9-3 of the Criminal Code of 1961, is guilty of a  
22 Class 3 felony; and if the person receives a term of  
23 probation or conditional discharge, he or she shall be  
24 required to serve a mandatory minimum of 10 days of  
25 imprisonment or shall be assigned a mandatory minimum of  
26 480 hours of community service, as may be determined by the



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

5 (2.2) A person who violates subsection (a), if the  
6 violation occurs during a period in which his or her  
7 driving privileges are revoked or suspended where the  
8 revocation or suspension was for a violation of subsection  
9 (a) or Section 11-501.1, shall also be sentenced to an  
10 additional mandatory minimum term of 30 consecutive days of  
11 imprisonment, 40 days of 24-hour periodic imprisonment, or  
12 720 hours of community service, as may be determined by the  
13 court. This mandatory term of imprisonment or assignment of  
14 community service shall not be suspended or reduced by the  
15 court.

16 (3) A person who violates subsection (a) a fourth or  
17 subsequent time, if the fourth or subsequent violation  
18 occurs during a period in which his or her driving  
19 privileges are revoked or suspended where the revocation or  
20 suspension was for a violation of subsection (a), Section  
21 11-501.1, paragraph (b) of Section 11-401, or for reckless  
22 homicide as defined in Section 9-3 of the Criminal Code of  
23 1961, is guilty of a Class 2 felony and is not eligible for  
24 a sentence of 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           (2) Except as provided in this paragraph (2), a person  
4           convicted of aggravated driving under the influence of  
5           alcohol, other drug or drugs, or intoxicating compound or  
6           compounds, or any combination thereof is guilty of a Class  
7           4 felony. For a violation of subparagraph (C) of paragraph  
8           (1) of this subsection (d), the defendant, if sentenced to  
9           a term of imprisonment, shall be sentenced to not less than  
10          one year nor more than 12 years. Aggravated driving under  
11          the influence of alcohol, other drug or drugs, or  
12          intoxicating compound or compounds, or any combination  
13          thereof as defined in subparagraph (F) of paragraph (1) of  
14          this subsection (d) is a Class 2 felony, for which the  
15          defendant, unless the court determines that extraordinary  
16          circumstances exist and require probation, shall be  
17          sentenced to: (A) a term of imprisonment of not less than 3  
18          years and not more than 14 years if the violation resulted  
19          in the death of one person; or (B) a term of imprisonment  
20          of not less than 6 years and not more than 28 years if the  
21          violation resulted in the deaths of 2 or more persons. For  
22          any prosecution under this subsection (d), a certified copy  
23          of the driving abstract of the defendant shall be admitted  
24          as proof of any prior conviction. Any person sentenced  
25          under this subsection (d) who receives a term of probation  
26          or conditional discharge must serve a minimum term of



1           either 480 hours of community service or 10 days of  
2           imprisonment as a condition of the probation or conditional  
3           discharge. This mandatory minimum term of imprisonment or  
4           assignment of community service may not be suspended or  
5           reduced by the court.

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

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

1 determined by the court.

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

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

11 (h) (Blank).

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

19 (j) In addition to any other penalties and liabilities, a  
20 person who is found guilty of or pleads guilty to violating  
21 subsection (a), including any person placed on court  
22 supervision for violating subsection (a), shall be fined \$500,  
23 payable to the circuit clerk, who shall distribute the money as  
24 follows: 20% to the law enforcement agency that made the arrest  
25 and 80% shall be forwarded to the State Treasurer for deposit  
26 into the General Revenue Fund. If the person has been

1 previously convicted of violating subsection (a) or a similar  
2 provision of a local ordinance, the fine shall be \$1,000. In  
3 the event that more than one agency is responsible for the  
4 arrest, the amount payable to law enforcement agencies shall be  
5 shared equally. Any moneys received by a law enforcement agency  
6 under this subsection (j) shall be used for enforcement and  
7 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 that will assist in the prevention of alcohol  
12 related 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. Equipment and commodities  
18 shall include, but are not limited to, in-car video cameras,  
19 radar and laser speed detection devices, and alcohol breath  
20 testers. Any moneys received by the Department of State Police  
21 under this subsection (j) shall be deposited into the State  
22 Police DUI Fund and shall be used for enforcement and  
23 prevention of driving while under the influence of alcohol,  
24 other drug or drugs, intoxicating compound or compounds or any  
25 combination thereof, as defined by this Section, including but  
26 not limited to the purchase of law enforcement equipment and

1 commodities that will assist in the prevention of alcohol  
2 related criminal violence throughout the State; police officer  
3 training and education in areas related to alcohol related  
4 crime, including but not limited to DUI training; and police  
5 officer salaries, including but not limited to salaries for  
6 hire back funding for safety checkpoints, saturation patrols,  
7 and liquor store sting operations.

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

24 (l) Whenever an individual is sentenced for an offense  
25 based upon an arrest for a violation of subsection (a) or a  
26 similar provision of a local ordinance, and the professional

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

15 (m) In addition to any other fine or penalty required by  
16 law, an individual convicted of a violation of subsection (a),  
17 Section 5-7 of the Snowmobile Registration and Safety Act,  
18 Section 5-16 of the Boat Registration and Safety Act, or a  
19 similar provision, whose operation of a motor vehicle,  
20 snowmobile, or watercraft while in violation of subsection (a),  
21 Section 5-7 of the Snowmobile Registration and Safety Act,  
22 Section 5-16 of the Boat Registration and Safety Act, or a  
23 similar provision proximately caused an incident resulting in  
24 an appropriate emergency response, shall be required to make  
25 restitution to a public agency for the costs of that emergency  
26 response. The restitution may not exceed \$1,000 per public

1 agency for each emergency response. As used in this subsection  
2 (m), "emergency response" means any incident requiring a  
3 response by a police officer, a firefighter carried on the  
4 rolls of a regularly constituted fire department, or an  
5 ambulance.

6 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;  
7 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;  
8 93-840, eff. 7-30-04; 94-113, eff. 1-1-06; 94-609, eff. 1-1-06;  
9 94-963, eff. 6-28-06.)

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

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

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

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

19 (2) under the influence of alcohol;

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

23 (4) under the influence of any other drug or  
24 combination of drugs to a degree that renders the person  
25 incapable of safely driving;

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

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

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

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

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

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

25          (b-2) Except as otherwise provided in this Section, any  
26          person convicted of violating subsection (a) of this Section is

1 guilty of a Class A misdemeanor.

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

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

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

19 (c) (Blank).

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



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

9           (2.1) A person who violates subsection (a) a third  
10 time, if the third violation occurs during a period in  
11 which his or her driving privileges are revoked or  
12 suspended where the revocation or suspension was for a  
13 violation of subsection (a), Section 11-501.1, subsection  
14 (b) of Section 11-401, or for reckless homicide as defined  
15 in Section 9-3 of the Criminal Code of 1961, is guilty of a  
16 Class 3 felony; and if the person receives a term of  
17 probation or conditional discharge, he or she shall be  
18 required to serve a mandatory minimum of 10 days of  
19 imprisonment or shall be assigned a mandatory minimum of  
20 480 hours of community service, as may be determined by the  
21 court, as a condition of the probation or conditional  
22 discharge. This mandatory minimum term of imprisonment or  
23 assignment of community service shall not be suspended or  
24 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, shall also be sentenced to an  
4 additional mandatory minimum term of 30 consecutive days of  
5 imprisonment, 40 days of 24-hour periodic imprisonment, or  
6 720 hours of community service, as may be determined by the  
7 court. This mandatory term of imprisonment or assignment of  
8 community service shall not be suspended or reduced by the  
9 court.

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

19 (c-2) (Blank).

20 (c-3) (Blank).

21 (c-4) (Blank).

22 (c-5) A person who violates subsection (a), if the person  
23 was transporting a person under the age of 16 at the time of  
24 the violation, is subject to an additional mandatory minimum  
25 fine of \$1,000, an additional mandatory minimum 140 hours of  
26 community service, which shall include 40 hours of community

1 service in a program benefiting children, and an additional 2  
2 days of imprisonment. The imprisonment or assignment of  
3 community service under this subsection (c-5) is not subject to  
4 suspension, nor is the person eligible for a reduced sentence.

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

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

26 (c-8) Any person convicted of violating subsection (c-6) or

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

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

21 (c-10) Any person convicted of violating subsection (c-9)  
22 or a similar provision a third time within 20 years of a  
23 previous violation of subsection (a) or a similar provision is  
24 guilty of a Class 4 felony and shall receive, in addition to  
25 any other penalty imposed, an additional mandatory 40 hours of  
26 community service in a program benefiting children, an

1 additional mandatory fine of \$3,000, and a mandatory minimum  
2 120 days of imprisonment. The imprisonment or assignment of  
3 community service under this subsection (c-10) is not subject  
4 to suspension, nor is the person eligible for a reduced  
5 sentence.

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

17 (c-12) Any person convicted of a first violation of  
18 subsection (a) or a similar provision, if 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, shall be subject, in addition to any other  
22 penalty that may be imposed, to a mandatory minimum of 100  
23 hours of community service and a mandatory minimum fine of  
24 \$500.

25 (c-13) Any person convicted of a second violation of  
26 subsection (a) or a similar provision committed within 10 years

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

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

21 (c-15) Any person convicted of a fourth or fifth violation  
22 of subsection (a) or a similar provision, if at the time of the  
23 fourth or fifth violation the alcohol concentration in his or  
24 her blood, breath, or urine was 0.16 or more based on the  
25 definition of blood, breath, or urine units in Section  
26 11-501.2, and if the person's 3 prior violations of subsection

1 (a) or a similar provision occurred while transporting a person  
2 under the age of 16 or while the alcohol concentration in his  
3 or her 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 2 felony and is not eligible for  
6 a sentence of probation or conditional discharge and is subject  
7 to a minimum fine of \$2,500.

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

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

15 (A) the person committed a violation of subsection  
16 (a) or a similar provision for the third or subsequent  
17 time;

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

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

26 (D) the person committed a violation of subsection

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

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

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

25 (2) Except as provided in this paragraph (2), a person  
26 convicted of aggravated driving under the influence of



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

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

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

23           (f) Every person found guilty of violating this Section,  
24 whose operation of a motor vehicle 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 under Section 5-5-3 of the  
2 Unified Code of Corrections.

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

6 (h) (Blank).

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

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

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

1 hire back funding for safety checkpoints, saturation patrols,  
2 and liquor store sting operations.

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

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

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

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

1 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;  
2 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;  
3 93-840, eff. 7-30-04; 94-114, eff. 1-1-06; 94-963, eff.  
4 6-28-06.)

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

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

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

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

14 (2) under the influence of alcohol;

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

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

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

24 (6) there is any amount of a drug, substance, or  
25 compound in the person's breath, blood, or urine resulting

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

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

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

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

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

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

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



1 defendant shall be sentenced to a mandatory minimum of 5 days  
2 of imprisonment or assigned a mandatory minimum of 240 hours of  
3 community service as may be determined by the court.

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

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

14 (c) (Blank).

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

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

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

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

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

25           (3) A person who violates subsection (a) a fourth time  
26          is guilty of a Class 2 felony and is not eligible for a

1 sentence of probation or conditional discharge.

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

6 (c-2) (Blank).

7 (c-3) (Blank).

8 (c-4) (Blank).

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

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

1 not subject to suspension, nor is the person eligible for a  
2 reduced sentence.

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

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

23 (c-9) Any person convicted a third time for violating  
24 subsection (a) or a similar provision, if at the time of the  
25 third violation the person was transporting a person under the  
26 age of 16, is guilty of a Class 2 felony and shall receive, in

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

8 (c-10) Any person convicted of violating subsection (c-9)  
9 or a similar provision a third time within 20 years of a  
10 previous violation of subsection (a) or a similar provision is  
11 guilty of a Class 2 felony and shall receive, in addition to  
12 any other penalty imposed, an additional mandatory 40 hours of  
13 community service in a program benefiting children, an  
14 additional mandatory fine of \$3,000, and a mandatory minimum  
15 120 days of imprisonment. The imprisonment or assignment of  
16 community service under this subsection (c-10) is not subject  
17 to suspension, nor is the person eligible for a reduced  
18 sentence.

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

1 11-501.2, is guilty of a Class 2 felony, is not eligible for  
2 probation or conditional discharge, and is subject to a minimum  
3 fine of \$3,000.

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

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

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

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

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

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

26 (A) the person committed a violation of subsection

1 (a) or a similar provision for the third or subsequent  
2 time;

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

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

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

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



1           bodily harm or permanent disability or disfigurement,  
2           to another person, when the violation of subsection (a)  
3           was a proximate cause of the bodily harm; or

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

10          (2) Except as provided in this paragraph (2) and in  
11          paragraphs (3) and (4) of subsection (c-1), 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. Except as provided in  
19          paragraph (4) of subsection (c-1), aggravated driving  
20          under the influence of alcohol, other drug, or drugs,  
21          intoxicating compounds or compounds, or any combination  
22          thereof as defined in subparagraph (A) of paragraph (1) of  
23          this subsection (d) is a Class 2 felony. Aggravated driving  
24          under the influence of alcohol, other drug or drugs, or  
25          intoxicating compound or compounds, or any combination  
26          thereof as defined in subparagraph (F) of paragraph (1) of

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

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

1 Services. The cost of any professional evaluation shall be paid  
2 for by the individual required to undergo the professional  
3 evaluation.

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

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

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

23 (h) (Blank).

24 (i) The Secretary of State shall require the use of  
25 ignition interlock devices on all vehicles owned by an  
26 individual who has been convicted of a second or subsequent

1 offense of this Section or a similar provision of a local  
2 ordinance. The Secretary shall establish by rule and regulation  
3 the procedures for certification and use of the interlock  
4 system.

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

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

20 (k) The Secretary of State Police DUI Fund is created as a  
21 special fund in the State treasury. All moneys received by the  
22 Secretary of State Police under subsection (j) of this Section  
23 shall be deposited into the Secretary of State Police DUI Fund  
24 and, subject to appropriation, shall be used for enforcement  
25 and 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 to assist in the prevention of alcohol related  
4 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.

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

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

18 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;  
19 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;  
20 93-840, eff. 7-30-04; 94-116, eff. 1-1-06; 94-963, eff.  
21 6-28-06.)

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

23 Sec. 11-501. Driving while under the influence of alcohol,  
24 other drug or drugs, intoxicating compound or compounds or any  
25 combination thereof.

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

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

6           (2) under the influence of alcohol;

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

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

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

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

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



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

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

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

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

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

21 (b-4) In the case of a third or subsequent violation  
22 committed within 5 years of a previous violation of subsection  
23 (a) or a similar provision, in addition to any other criminal  
24 or administrative sanction, a mandatory minimum term of either  
25 10 days of imprisonment or 480 hours of community service shall  
26 be imposed.

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

5 (c) (Blank).

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

25 (2.1) A person who violates subsection (a) a third  
26 time, if the third violation occurs during a period in

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

17           (2.2) A person who violates subsection (a), if the  
18      violation occurs during a period in which his or her  
19      driving privileges are revoked or suspended where the  
20      revocation or suspension was for a violation of subsection  
21      (a) or Section 11-501.1, is guilty of aggravated driving  
22      under the influence of alcohol, other drug or drugs,  
23      intoxicating compound or compounds, or any combination  
24      thereof and shall also be sentenced to an additional  
25      mandatory minimum term of 30 consecutive days of  
26      imprisonment, 40 days of 24-hour periodic imprisonment, or

1 720 hours of community service, as may be determined by the  
2 court. This mandatory term of imprisonment or assignment of  
3 community service shall not be suspended or reduced by the  
4 court.

5 (3) A person who violates subsection (a) a fourth or  
6 subsequent time, if the fourth or subsequent violation  
7 occurs during a period in which his or her driving  
8 privileges are revoked or suspended where the revocation or  
9 suspension was for a violation of subsection (a), Section  
10 11-501.1, paragraph (b) of Section 11-401, or for reckless  
11 homicide as defined in Section 9-3 of the Criminal Code of  
12 1961, is guilty of aggravated driving under the influence  
13 of alcohol, other drug or drugs, intoxicating compound or  
14 compounds, or any combination thereof and is guilty of a  
15 Class 2 felony, and is not eligible for a sentence of  
16 probation or conditional discharge.

17 (c-2) (Blank).

18 (c-3) (Blank).

19 (c-4) (Blank).

20 (c-5) A person who violates subsection (a), if the person  
21 was transporting a person under the age of 16 at the time of  
22 the violation, is subject to an additional mandatory minimum  
23 fine of \$1,000, an additional mandatory minimum 140 hours of  
24 community service, which shall include 40 hours of community  
25 service in a program benefiting children, and an additional 2  
26 days of imprisonment. The imprisonment or assignment of

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

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

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

24 (c-8) Any person convicted of violating subsection (c-6) or  
25 a similar provision within 5 years of a previous violation of  
26 subsection (a) or a similar provision shall receive, in

1 addition to any other penalty imposed, an additional 80 hours  
2 of mandatory community service in a program benefiting  
3 children, an additional mandatory minimum 12 days of  
4 imprisonment, and a mandatory minimum fine of \$1,750. The  
5 imprisonment or assignment of community service under this  
6 subsection (c-8) is not subject to suspension, nor is the  
7 person eligible for a reduced sentence.

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

19 (c-10) Any person convicted of violating subsection (c-9)  
20 or a similar provision a third time within 20 years of a  
21 previous violation of subsection (a) or a similar provision is  
22 guilty of a Class 4 felony and shall receive, in addition to  
23 any other penalty imposed, an additional mandatory 40 hours of  
24 community service in a program benefiting children, an  
25 additional mandatory fine of \$3,000, and a mandatory minimum  
26 120 days of imprisonment. The imprisonment or assignment of

1 community service under this subsection (c-10) is not subject  
2 to suspension, nor is the person eligible for a reduced  
3 sentence.

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

15 (c-12) Any person convicted of a first violation of  
16 subsection (a) or a similar provision, if 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, shall be subject, in addition to any other  
20 penalty that may be imposed, to a mandatory minimum of 100  
21 hours of community service and a mandatory minimum fine of  
22 \$500.

23 (c-13) Any person convicted of a second violation of  
24 subsection (a) or a similar provision committed within 10 years  
25 of a previous violation of subsection (a) or a similar  
26 provision committed within 10 years of a previous violation of

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 (2) Except as provided in this paragraph (2) and in  
4 paragraphs (2), (2.1), and (3) of subsection (c-1), a  
5 person convicted of aggravated driving under the influence  
6 of alcohol, other drug or drugs, or intoxicating compound  
7 or compounds, or any combination thereof is guilty of a  
8 Class 4 felony. For a violation of subparagraph (C) of  
9 paragraph (1) of this subsection (d), the defendant, if  
10 sentenced to a term of imprisonment, shall be sentenced to  
11 not less than one year nor more than 12 years. Aggravated  
12 driving under the influence of alcohol, other drug or  
13 drugs, or intoxicating compound or compounds, or any  
14 combination thereof as defined in subparagraph (F) of  
15 paragraph (1) of this subsection (d) is a Class 2 felony,  
16 for which the defendant, if sentenced to a term of  
17 imprisonment, shall be sentenced to: (A) a term of  
18 imprisonment of not less than 3 years and not more than 14  
19 years if the violation resulted in the death of one person;  
20 or (B) a term of imprisonment of not less than 6 years and  
21 not more than 28 years if the violation resulted in the  
22 deaths of 2 or more persons. For any prosecution under this  
23 subsection (d), a certified copy of the driving abstract of  
24 the defendant shall be admitted as proof of any prior  
25 conviction. Any person sentenced under this subsection (d)  
26 who receives a term of probation or conditional discharge

1 must serve a minimum term of either 480 hours of community  
2 service or 10 days of imprisonment as a condition of the  
3 probation or conditional discharge. This mandatory minimum  
4 term of imprisonment or assignment of community service may  
5 not be suspended or reduced by the court.

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

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

1 determined by the court.

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

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

11 (h) (Blank).

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

19 (j) In addition to any other penalties and liabilities, a  
20 person who is found guilty of or pleads guilty to violating  
21 subsection (a), including any person placed on court  
22 supervision for violating subsection (a), shall be fined \$500,  
23 payable to the circuit clerk, who shall distribute the money as  
24 follows: 20% to the law enforcement agency that made the arrest  
25 and 80% shall be forwarded to the State Treasurer for deposit  
26 into the General Revenue Fund. If the person has been

1 previously convicted of violating subsection (a) or a similar  
2 provision of a local ordinance, the fine shall be \$1,000. In  
3 the event that more than one agency is responsible for the  
4 arrest, the amount payable to law enforcement agencies shall be  
5 shared equally. Any moneys received by a law enforcement agency  
6 under this subsection (j) shall be used for enforcement and  
7 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 that will assist in the prevention of alcohol  
12 related 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. Equipment and commodities  
18 shall include, but are not limited to, in-car video cameras,  
19 radar and laser speed detection devices, and alcohol breath  
20 testers. Any moneys received by the Department of State Police  
21 under this subsection (j) shall be deposited into the State  
22 Police DUI Fund and shall be used for enforcement and  
23 prevention of driving while under the influence of alcohol,  
24 other drug or drugs, intoxicating compound or compounds or any  
25 combination thereof, as defined by this Section, including but  
26 not limited to the purchase of law enforcement equipment and

1 commodities that will assist in the prevention of alcohol  
2 related criminal violence throughout the State; police officer  
3 training and education in areas related to alcohol related  
4 crime, including but not limited to DUI training; and police  
5 officer salaries, including but not limited to salaries for  
6 hire back funding for safety checkpoints, saturation patrols,  
7 and liquor store sting operations.

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

24 (l) Whenever an individual is sentenced for an offense  
25 based upon an arrest for a violation of subsection (a) or a  
26 similar provision of a local ordinance, and the professional

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

15 (m) In addition to any other fine or penalty required by  
16 law, an individual convicted of a violation of subsection (a),  
17 Section 5-7 of the Snowmobile Registration and Safety Act,  
18 Section 5-16 of the Boat Registration and Safety Act, or a  
19 similar provision, whose operation of a motor vehicle,  
20 snowmobile, or watercraft while in violation of subsection (a),  
21 Section 5-7 of the Snowmobile Registration and Safety Act,  
22 ~~Section 5-16 of the Boat Registration and Safety Act, or a~~  
23 similar provision proximately caused an incident resulting in  
24 an appropriate emergency response, shall be required to make  
25 restitution to a public agency for the costs of that emergency  
26 response. The restitution may not exceed \$1,000 per public



1 agency for each emergency response. As used in this subsection  
2 (m), "emergency response" means any incident requiring a  
3 response by a police officer, a firefighter carried on the  
4 rolls of a regularly constituted fire department, or an  
5 ambulance.

6 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;  
7 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;  
8 93-840, eff. 7-30-04; 94-329, eff. 1-1-06; 94-963, eff.  
9 6-28-06.)".