



Sen. John J. Cullerton

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09500SB0300sam002

LRB095 04864 DRH 34413 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, 6-206.2, 6-208.1, 6-208.2,
10 6-303, 11-501, and 11-501.1 and adding Sections 1-101.9 and
11 1-144.5 as follows:

12 (625 ILCS 5/1-101.9 new)

13 Sec. 1-101.9. Alternative alcohol monitoring device. A
14 device approved by the Secretary of State that:

1 (1) measures blood alcohol concentration, by breath,
2 transdermal absorption, or other means, with an accuracy equal
3 to that required of an ignition interlock device;

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

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

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

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

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

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

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

23 (9) meets other criteria established by rules of the
24 Secretary of State.

1 Sec. 1-144.5. Monitoring device driver's license. A
2 license that allows a person whose driver's license has been
3 summarily suspended under Section 11-501.1 to drive a vehicle,
4 for the applicable period described in Section 6-206.1, if:

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

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

9 (625 ILCS 5/6-206) (from Ch. 95 1/2, par. 6-206)

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

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

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

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

24 3. Has been repeatedly involved as a driver in motor
25 vehicle collisions or has been repeatedly convicted of

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

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

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

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

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

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

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

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

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

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

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

25 14. Has committed a violation of Section 6-301,
26 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B

1 of the Illinois Identification Card Act;

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

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

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

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

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

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

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

24 22. Has used a motor vehicle in violating paragraph
25 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
26 the Criminal Code of 1961 relating to unlawful use of

1 weapons, in which case the suspension shall be for one
2 year;

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

7 24. Has been convicted by a court-martial or punished
8 by non-judicial punishment by military authorities of the
9 United States at a military installation in Illinois of or
10 for a traffic related offense that is the same as or
11 similar to an offense specified under Section 6-205 or
12 6-206 of this Code;

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

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

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

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

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

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

1 used for illegal drug use or abuse in which case the
2 driver's driving privileges shall be suspended for one
3 year;

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

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

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

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

1 34. Has committed a violation of Section 11-1301.5 of
2 this Code;

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

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

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

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

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

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

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

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

26 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,

1 and 27 of this subsection, license means any driver's license,
2 any traffic ticket issued when the person's driver's license is
3 deposited in lieu of bail, a suspension notice issued by the
4 Secretary of State, a duplicate or corrected driver's license,
5 a probationary driver's license or a temporary driver's
6 license.

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

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

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

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

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

26 Any person who falsely states any fact in the affidavit

1 required herein shall be guilty of perjury under Section
2 6-302 and upon conviction thereof shall have all driving
3 privileges revoked without further rights.

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

25 If a person's license or permit has been revoked or
26 suspended due to 2 or more convictions of violating Section

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

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

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

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

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

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

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

19 (Source: P.A. 93-120, eff. 1-1-04; 93-667, eff. 3-19-04;
20 93-788, eff. 1-1-05; 93-955, eff. 8-19-04; 94-307, eff.
21 9-30-05; 94-556, eff. 9-11-05; 94-930, eff. 6-26-06.)

22 (625 ILCS 5/6-206.1) (from Ch. 95 1/2, par. 6-206.1)

23 Sec. 6-206.1. Monitoring device driver's license ~~Judicial~~
24 ~~Driving Permit~~. Declaration of Policy. It is hereby declared a
25 policy of the State of Illinois that the driver who is impaired

1 by alcohol, other drug or drugs, or intoxicating compound or
2 compounds is a threat to the public safety and welfare.
3 Therefore, to provide a deterrent to such practice and to
4 remove problem drivers from the highway, a statutory summary
5 driver's license suspension is appropriate. It is also
6 recognized that driving is a privilege and therefore, that ~~in~~
7 ~~some cases~~ the granting of limited driving privileges, where
8 consistent with public safety, is warranted during the period
9 of suspension in the form of a monitoring device driver's
10 license. A person who drives and fails to comply with the
11 requirements of the monitoring device driver's license commits
12 a violation of Section 6-303 of this Code ~~a judicial driving~~
13 ~~permit to drive for the purpose of employment, receiving drug~~
14 ~~treatment or medical care, and educational pursuits, where no~~
15 ~~alternative means of transportation is available.~~

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

19 (a) Subsequent to a notification of a statutory summary
20 suspension of driving privileges as provided in Section
21 11-501.1, the Secretary of State shall issue to the first
22 offender as defined in Section 11-500, if he or she has
23 otherwise valid driving privileges, a monitoring device
24 driver's license. This license shall be issued only to a first
25 offender as defined in Section 11-500 whose license had been
26 suspended because of that offense. This license is valid only

1 with respect to the present suspension, not with respect to any
2 subsequent suspension or any concurrent suspension for a
3 separate offense. A monitoring device driver's license may
4 ~~petition the circuit court of venue for a Judicial Driving~~
5 ~~Permit, hereinafter referred as a JDP, to relieve undue~~
6 ~~hardship. The court may issue a court order, pursuant to the~~
7 ~~criteria contained in this Section, directing the Secretary of~~
8 ~~State to issue such a JDP to the petitioner. A JDP shall not~~
9 become effective prior to the 31st day of the original
10 statutory summary suspension and shall not be issued by the
11 Secretary of State until the person provides proof of
12 installation of an approved ignition interlock device, as
13 defined in Section 1-129.1, or an alternative alcohol
14 monitoring device, as defined in Section 1-101.9. The Secretary
15 of State may not be required to issue a monitoring device
16 driver's license for a person who wishes to serve the statutory
17 summary suspension of his or her driving privileges as provided
18 in Section 11-501.1 without the capacity to drive; however, (1)
19 if that person is found guilty of the underlying DUI offense
20 that is the basis for the suspension or is found guilty of
21 reckless driving resulting from a negotiated plea from that
22 underlying DUI offense, that person shall be required to have a
23 monitoring device driver's license for 12 months as a condition
24 of any sentence imposed by the court or as a condition of the
25 reinstatement of the person's driving privileges by the
26 Secretary of State; or (2) if the person is found not guilty,

1 after a trial, of the underlying DUI offense that is the basis
2 for the suspension, that person shall not be required to have a
3 monitoring device driver's license as a condition of the
4 reinstatement of the person's driving privileges by the
5 Secretary of State.

6 (a-1) A person issued a monitoring device driver's license
7 may drive for any purpose and at any time, subject to the rules
8 adopted by the Secretary of State under subsection (h). The
9 person must, at his or her own expense, drive only vehicles
10 equipped with an ignition interlock device as defined in
11 Section 1-129.1 and pay a fee of \$0.15 per day to the Secretary
12 of State DUI Administration Fund. If the person, under penalty
13 of perjury, certifies to the Secretary of State that he or she
14 does not own, control, or have access to any vehicles on which
15 an ignition interlock device could be installed, he or she must
16 use an alternative alcohol monitoring device as defined in
17 Section 1-101.9 and pay a fee of \$0.15 per day to the Secretary
18 of State DUI Administration Fund. The Secretary of State shall
19 not issue a monitoring device driver's license to any person
20 for the operation of a commercial vehicle if the person's
21 driving privileges have been suspended under any provision of
22 this Code in accordance with 49 C.F.R. Part 384.

23 (a-2) Individuals who are issued a monitoring device
24 driver's license and are required to drive employer-owned
25 vehicles for employment purposes may have their employer
26 complete a form, prescribed by the Secretary of State,

1 indicating that the person may drive, for employment purposes
2 only, a vehicle owned by the person's employer that is not
3 equipped with an ignition interlock device. The person may not
4 use this exemption to drive a school bus, school vehicle, or a
5 vehicle designed to transport more than 15 passengers. The
6 person may not use the exemption to drive an employer-owned
7 motor vehicle that is owned by an entity that is wholly or
8 partially owned by the person holding the monitoring device
9 driver's license. The person may not use the exemption to drive
10 an employer-owned vehicle that is made available to the
11 employee for personal use. The person may not drive the
12 exempted vehicle more than 12 hours per day, 6 days per week.
13 The form must be completed in its entirety and be in the
14 driver's possession while operating an employer owned vehicle
15 not equipped with an ignition interlock device. and shall
16 always be subject to the following criteria:

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

26 ~~2. The court, by a court order, may also direct the~~

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

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

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

21 ~~(i) Any person unless and until the court, after~~
22 ~~considering the results of a current professional~~
23 ~~evaluation of the person's alcohol or other drug use by an~~
24 ~~agency pursuant to Section 15-10 of the Alcoholism and~~
25 ~~Other Drug Abuse and Dependency Act and other appropriate~~
26 ~~investigation of the person, is satisfied that granting the~~

1 ~~privilege of driving a motor vehicle on the highways will~~
2 ~~not endanger the public safety or welfare.~~

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

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

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

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

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

26 ~~1. Whether the person is employed and no other means of~~

1 ~~commuting to the place of employment is available or that~~
2 ~~the person must drive as a condition of employment. The~~
3 ~~employer shall certify the hours of employment and the need~~
4 ~~and parameters necessary for driving as a condition to~~
5 ~~employment.~~

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

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

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

15 ~~5. Whether the person has been convicted of a traffic~~
16 ~~violation in connection with a traffic accident resulting~~
17 ~~in the death of any person within the last 5 years.~~

18 ~~6. Whether the person is likely to obey the limited~~
19 ~~provisions of the JDP.~~

20 ~~7. Whether the person has any additional traffic~~
21 ~~violations pending in any court.~~

22 ~~For purposes of this Section, programs conducting~~
23 ~~professional evaluations of a person's alcohol, other drug, or~~
24 ~~intoxicating compound use must report, to the court of venue,~~
25 ~~using a form prescribed by the Secretary of State. A copy of~~
26 ~~such evaluations shall be sent to the Secretary of State by the~~

1 ~~court. However, the evaluation information shall be privileged~~
2 ~~and only available to courts and to the Secretary of State, but~~
3 ~~shall not be admissible in the subsequent trial on the~~
4 ~~underlying charge.~~

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

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

1 device driver's license ~~JDP~~, the officer issuing the citation,
2 or the law enforcement agency employing that officer, shall
3 confiscate the monitoring device driver's license ~~JDP~~ and
4 immediately send the monitoring device driver's license ~~JDP~~ and
5 notice of the citation to the Secretary of State ~~court that~~
6 ~~ordered the issuance of the~~ ~~JDP~~. Within 10 days of receipt, the
7 Secretary of State ~~issuing court~~, upon notice to the person
8 ~~petitioner~~, shall conduct a hearing to consider cancellation of
9 the monitoring device driver's license ~~JDP~~. ~~If the court enters~~
10 ~~an order of cancellation, the court shall forward the order to~~
11 ~~the Secretary of State, and the Secretary shall cancel the~~ ~~JDP~~
12 ~~and notify the petitioner of the cancellation.~~ If, however, the
13 person ~~petitioner~~ is convicted of the offense before the
14 monitoring device driver's license ~~JDP~~ has been cancelled, the
15 court of venue shall send notice of conviction ~~to the court~~
16 ~~that ordered issuance of the~~ ~~JDP~~. ~~The court receiving the~~
17 ~~notice shall immediately enter an order of cancellation and~~
18 ~~forward the order~~ to the Secretary of State. The Secretary
19 shall cancel the monitoring device driver's license ~~JDP~~ and
20 notify the person ~~petitioner~~ of the cancellation.

21 If the person ~~petitioner~~ is issued a citation for any other
22 traffic related offense during the term of the monitoring
23 device driver's license ~~JDP~~, the officer issuing the citation,
24 or the law enforcement agency employing that officer, shall
25 send notice of the citation to the Secretary of State ~~court~~
26 ~~that ordered issuance of the~~ ~~JDP~~. Upon receipt and notice to

1 the person ~~petitioner~~ and an opportunity for a hearing, the
2 Secretary of State ~~court~~ shall determine whether the violation
3 constitutes grounds for cancellation of the monitoring device
4 driver's license JDP. ~~If the court enters an order of~~
5 ~~cancellation, the court shall forward the order to the~~
6 ~~Secretary of State, and the Secretary shall cancel the JDP and~~
7 ~~shall notify the petitioner of the cancellation.~~

8 (c-5) A person required to have a monitoring device
9 driver's license shall be considered indigent if his or her
10 gross income for the immediately preceding tax year based on
11 his or her State income tax return was less than 150% of the
12 official poverty line for that same tax year established in the
13 poverty guidelines issued by the Secretary of Health and Human
14 Services under authority of Section 673(2) of the Community
15 Services Block Grant Act, Subtitle B of Title VI of the Omnibus
16 Budget Reconciliation Act of 1981, Public Law 97-35, 42 U.S.C.
17 9902. To prove indigence, the person must complete an
18 application, under penalty of perjury, as prescribed by the
19 Secretary of State, and provide the application and supporting
20 documentation to the provider of ignition interlock devices,
21 upon which the device provider shall provide an ignition
22 interlock device without cost to the indigent person. The
23 device provider shall forward the application and supporting
24 documentation to the Secretary of State and seek reimbursement
25 from the Alcohol Monitoring Device Fund in an amount prescribed
26 by the standard fee schedule established by the Secretary of

1 State for Alcohol Monitoring Device Fund reimbursements.

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

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

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

26 (f) (Blank). ~~The circuit court of venue may, as a condition~~

1 ~~of the issuance of a JDP, prohibit the person from operating a~~
2 ~~motor vehicle not equipped with an ignition interlock device.~~

3 (g) The Secretary of State, in consultation with the
4 Department of State Police and the Department of
5 Transportation, shall adopt rules for implementing this
6 Section. The rules adopted shall address issues including, but
7 not limited to: compliance with the requirements of the
8 monitoring device driver's license; methods for determining
9 compliance with those requirements; the consequences of
10 noncompliance with those requirements; and the duties of a
11 person or entity that supplies the ignition interlock devices
12 or alternative alcohol monitoring devices required under this
13 Section to offenders in this State. When adopting rules under
14 this Section, the Secretary of State shall adopt, in its
15 entirety, Title 92, Chapter II, Part 1001, Section 1001.442, of
16 the Administrative Code of this State, BAIID Providers
17 Certification Procedures and Responsibilities, Approval of
18 Breath Alcohol Ignition Interlock Devices; Inspections; BAIID
19 Installers Responsibilities; Disqualification of a BAIID
20 Provider. The Secretary of State may also adopt additional
21 rules, including but not limited to, ignition interlock device
22 requirements, duties of ignition interlock device installers,
23 approval and evaluation of ignition interlock devices seeking
24 approval, and Department auditing procedures of ignition
25 interlock devices, installers, and device data reporting
26 systems and procedures. In addition, the Secretary of State

1 shall adopt similar rules for approval of alternative alcohol
2 monitoring devices, including: certification and
3 responsibilities; inspections; installer responsibilities;
4 auditing procedures of alternative alcohol monitoring devices,
5 installers and device data reporting systems and procedures;
6 and disqualification of an alternative alcohol monitoring
7 device provider.

8 (h) The rules adopted under subsection (g) shall provide,
9 at a minimum, that a person is not in compliance with the
10 requirements of the monitoring device driver's license if he or
11 she:

12 (1) provides valid breath or other samples that
13 register blood alcohol levels in excess of the number of
14 times allowed under the rules;

15 (2) if required to drive only a vehicle or vehicles
16 equipped with an ignition interlock device, fails to
17 provide a sufficient number of breath samples to account
18 for his or her expected usage of the designated vehicle or
19 vehicles, creating an inference that he or she might be
20 driving another vehicle, one not equipped with an ignition
21 interlock device;

22 (3) fails to successfully accomplish running retests
23 as prescribed under the rules;

24 (4) fails to provide evidence sufficient to satisfy the
25 Secretary of State that the ignition interlock device has
26 been installed in the designated vehicle or vehicles or

1 that the person is using the alternative alcohol monitoring
2 device as required; or

3 (5) fails to follow any other applicable rules adopted
4 by the Secretary of State.

5 (i) The rules adopted under subsection (g) shall provide
6 that a person who fails to comply with the requirements of the
7 monitoring device driver's license shall receive D.U.I.
8 evaluation services from a person or program licensed under
9 Section 15-10 of the Alcoholism and Other Drug Abuse and
10 Dependency Act.

11 (j) The rules adopted under subsection (g) shall provide
12 that a person who fails to comply with the requirements of the
13 monitoring device driver's license shall, for a period of 3
14 months beyond the imposed suspension period, be required to
15 drive only vehicles equipped with an ignition interlock device
16 as defined in Section 1-129.1. If the person has no vehicle on
17 which to install an ignition interlock device, he or she must
18 use an alternative alcohol monitoring device.

19 (k) A person found to be in violation of the requirements
20 of his or her monitoring device driver's license shall have the
21 statutory summary suspension of his or her driving privileges
22 extended for an additional 3 months beyond the imposed
23 suspension period. Any subsequent violation of these
24 requirements shall extend the suspension for another 3 months,
25 meaning that the suspension of the driving privileges of a
26 person who continues to fail to meet these requirements could

1 be extended indefinitely.

2 (l) The rules adopted under subsection (g) shall provide
3 that a person whose driving privileges have been suspended
4 under Section 6-208.1 or 6-208.2 shall not have those
5 privileges restored by the Secretary of State until he or she
6 has been found by the Secretary of State to be in compliance
7 with the requirements of the monitoring device driver's
8 license. If the original summary suspension period ordered
9 under Section 6-208.1 or Section 6-208.2 has terminated, and
10 the person is seeking restoration of driving privileges and
11 cannot show proof of compliance with the requirements of the
12 monitoring device driver's license for the time period as
13 required under Section 6-208.1 or 6-208.2 less 15 days, or if
14 the monitoring device driver's license was cancelled, the
15 Secretary of State shall issue only a restricted driving permit
16 requiring operating only a vehicle with an ignition interlock
17 device as defined in Section 1-129.1 installed or use of an
18 alternative alcohol monitoring device as defined in Section
19 1.101.9 for a period of twice the original summary suspension
20 period ordered under Section 6-208.1 or Section 6-208.2. The
21 requirements of this subsection (l) do not apply to a person
22 who is found not guilty of the underlying D.U.I. offense that
23 was the basis of the suspension and monitoring device driver's
24 license.

25 (m) The rules adopted under subsection (g) shall provide
26 that a person or entity that supplies the ignition interlock

1 devices or alternative alcohol monitoring devices required
2 under this Section to offenders in this State shall, in
3 addition to supplying only those devices which fully comply
4 with all the rules adopted under subsection (g), provide the
5 Secretary of State within 3 business days of inspection with
6 monitoring reports in a standardized form or format as adopted
7 by rule of the Secretary of State regarding the compliance of
8 each person with the requirements of his or her monitoring
9 device driver's license. The monitoring and inspection
10 performed by the persons or entities that provide ignition
11 interlock devices or alternative alcohol monitoring devices
12 under this Section shall include but not be limited to: a check
13 of the calibration and proper operation of the device and
14 recalibration; repair or replacement of the device if
15 necessary; a physical or electronic inspection of the device
16 for evidence of tampering or circumvention; and a downloading
17 and reporting of the data collected by the device to the
18 Secretary of State.

19 (n) Upon the Secretary of State receiving notice of a
20 violation of the requirements of a monitoring device driver's
21 license, the Secretary of State shall extend the term of the
22 monitoring device driver's license for 3 months beyond the term
23 of the current monitoring device driver's license or any
24 previously imposed extension. The Secretary of State shall
25 notify the person, and the entity providing service to that
26 person, that the monitoring device driver's license term is

1 being extended. The person shall be entitled to a hearing on
2 the extension of the restriction. Based upon findings at the
3 hearing, including aggravating and mitigating factors, the
4 hearing officer may sustain the extension, rescind the
5 extension, or reduce the period of extension. The Secretary of
6 State shall also require the person to submit to a DUI
7 evaluation and complete any recommended treatment.

8 (o) The rules adopted under subsection (g) shall provide
9 that a person or entity that supplies the ignition interlock
10 devices or alternate alcohol monitoring devices required under
11 this Section to offenders in this State shall, for each
12 ignition interlock device the person or entity installs in a
13 vehicle or for each alternative alcohol monitoring device the
14 person or entity supplies to a person, pay \$0.15 for each day a
15 device is in service into the Alcohol Monitoring Device Fund.
16 The amount charged shall be clearly indicated as a separate
17 surcharge on each invoice that any person or entity that is
18 authorized to provide either ignition interlock devices or
19 alternative alcohol monitoring devices issues to any person
20 using the devices. The Secretary of State shall conduct an
21 annual review of the fund to determine whether the deposit
22 level is sufficient to provide for indigent users. The
23 Secretary of State may increase or decrease this deposit
24 requirement as needed. Annually, the Secretary of State shall
25 establish a standard fee schedule for claims against the
26 Alcohol Monitoring Device Fund based on the average of the

1 charges for a particular service assessed by the approved
2 providers at the time of the annual review.

3 (p) The rules adopted under subsection (g) shall provide
4 that, if a person or entity that supplies the ignition
5 interlock devices or alternative alcohol monitoring devices
6 required under this Section to offenders in this State is
7 requested to provide one of those devices to a person who
8 presents evidence that he or she is indigent, as provided
9 subsection (c-5) of this Section, the person or entity shall
10 supply the device to the person and shall seek reimbursement
11 from the Alcohol Monitoring Device Fund.

12 (g) The Alcohol Monitoring Device Fund is created as a
13 special fund in the State treasury. The Secretary of State
14 shall, subject to appropriation by the General Assembly, use
15 all moneys in the Alcohol Monitoring Device Fund to supply
16 ignition interlock devices to indigent persons who are required
17 under this Section to have these devices installed in their
18 vehicles and to supply alternative alcohol monitoring devices
19 to indigent persons who are required under this Section to use
20 these devices.

21 (r) The rules adopted under subsection (g) shall provide
22 that a person or entity that supplies ignition interlock
23 devices or alternative monitoring devices required under this
24 Section to offenders in this State shall, for each ignition
25 interlock device the person or entity installs in a vehicle or
26 for each alternative alcohol monitoring device the person or

1 entity supplies to a person, collect from the person \$0.15 for
2 each day a device is in service and pay the funds into the
3 Secretary of State DUI Administration Fund. The amount
4 collected shall be clearly indicated as a separate surcharge on
5 each invoice that any person or entity that is authorized to
6 provide either ignition interlock devices or alternative
7 alcohol monitoring devices issues to any person using the
8 devices.

9 (Source: P.A. 94-307, eff. 9-30-05; 94-357, eff. 1-1-06;
10 94-930, eff. 6-26-06.)

11 (625 ILCS 5/6-206.2)

12 Sec. 6-206.2. Violations relating to an ignition interlock
13 device or alternative alcohol monitoring device.

14 (a) It is unlawful for any person whose driving privilege
15 is restricted by being prohibited from operating a motor
16 vehicle not equipped with an ignition interlock device to
17 request or solicit any other person to blow into an ignition
18 interlock device or to start a motor vehicle equipped with the
19 device for the purpose of providing the person so restricted
20 with an operable motor vehicle.

21 (b) It is unlawful to blow into an ignition interlock
22 device or to start a motor vehicle equipped with the device for
23 the purpose of providing an operable motor vehicle to a person
24 whose driving privilege is restricted by being prohibited from
25 operating a motor vehicle not equipped with an ignition

1 interlock device.

2 (c) It is unlawful to tamper with, or circumvent the
3 operation of, an ignition interlock device or an alternative
4 alcohol monitoring device.

5 (d) Except as provided in subsection (c)(17) of Section
6 5-6-3.1 of the Unified Code of Corrections or by rule, no
7 person shall knowingly rent, lease, or lend a motor vehicle to
8 a person known to have his or her driving privilege restricted
9 by being prohibited from operating a vehicle not equipped with
10 an ignition interlock device, unless the vehicle is equipped
11 with a functioning ignition interlock device. Any person whose
12 driving privilege is so restricted shall notify any person
13 intending to rent, lease, or loan a motor vehicle to the
14 restricted person of the driving restriction imposed upon him
15 or her.

16 (d-1) A person convicted of a violation of ~~this~~ subsection
17 (d) shall be punished by imprisonment for not more than 6
18 months or by a fine of not more than \$5,000, or both.

19 (e) If a person prohibited under ~~paragraph (2) or paragraph~~
20 ~~(3) of subsection (c-4) of~~ Section 11-501 from driving any
21 vehicle not equipped with an ignition interlock device
22 nevertheless is convicted of driving a vehicle that is not
23 equipped with the device, that person is prohibited from
24 driving any vehicle not equipped with an ignition interlock
25 device for an additional period of time equal to the initial
26 time period that the person was required to use an ignition

1 interlock device.

2 (f) If a person prohibited from driving any vehicle not
3 equipped with an ignition interlock device is found to have
4 violations on the device, that person is prohibited from
5 driving any vehicle not equipped with an ignition interlock
6 device for an additional period of time equal to the initial
7 time period that the person was required to use an ignition
8 interlock device. For purposes of this Section, a person has a
9 violation on the device if he or she:

10 (1) provides valid breath samples that register blood
11 alcohol levels in excess of the amount allowed under the
12 rules;

13 (2) fails to provide a sufficient number of breath
14 samples to account for his or her expected usage of the
15 designated vehicle or vehicles, creating an inference that
16 he or she might be driving another vehicle, one not
17 equipped with an ignition interlock device;

18 (3) fails to successfully accomplish running retests
19 as prescribed under the rules;

20 (4) fails to provide evidence sufficient to satisfy the
21 Secretary of State that the ignition interlock device has
22 been installed in the designated vehicle or vehicles; or

23 (5) fails to follow any other applicable rules adopted
24 by the Secretary of State.

25 (Source: P.A. 91-127, eff. 1-1-00; 92-418, eff. 8-17-01.)

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

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

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

9 1. Except as otherwise provided in rules adopted under
10 Section 6-206.1, 12 ~~Six~~ months from the effective date of
11 the statutory summary suspension for a refusal or failure
12 to complete a test or tests to determine the alcohol, drug,
13 or intoxicating compound concentration, pursuant to
14 Section 11-501.1; or

15 2. Except as otherwise provided in rules adopted under
16 Section 6-206.1, 6 ~~Three~~ months from the effective date of
17 the statutory summary suspension imposed following the
18 person's submission to a chemical test which disclosed an
19 alcohol concentration of 0.08 or more, or any amount of a
20 drug, substance, or intoxicating compound in such person's
21 breath, blood, or urine resulting from the unlawful use or
22 consumption of cannabis listed in the Cannabis Control Act,
23 a controlled substance listed in the Illinois Controlled
24 Substances Act, or an intoxicating compound listed in the
25 Use of Intoxicating Compounds Act, pursuant to Section
26 11-501.1; or

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

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

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

24 (c) Full driving privileges may not be restored until all
25 applicable reinstatement fees, as provided by this Code, have
26 been paid to the Secretary of State and the appropriate entry

1 made to the driver's record.

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

9 (e) Following a statutory summary suspension of driving
10 privileges pursuant to Section 11-501.1, for a first offender,
11 the Secretary of State ~~circuit court shall~~ may, after ~~at least~~
12 30 days from the effective date of the statutory summary
13 suspension, issue a monitoring device driver's license ~~a~~
14 ~~judicial driving permit~~ as provided in Section 6-206.1.

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

24 (g) Following a statutory summary suspension of driving
25 privileges pursuant to Section 11-501.1 where the person was
26 not a first offender, as defined in Section 11-500, the

1 Secretary of State may not issue a restricted driving permit.

2 (h) (Blank).

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

4 (625 ILCS 5/6-208.2)

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

7 (a) Unless the suspension based upon consumption of alcohol
8 by a minor or refusal to submit to testing has been rescinded
9 by the Secretary of State in accordance with item (c)(3) of
10 Section 6-206 of this Code, a person whose privilege to drive a
11 motor vehicle on the public highways has been suspended under
12 Section 11-501.8 is not eligible for restoration of the
13 privilege until the expiration of:

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

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

25 3. Two years from the effective date of the suspension,

1 followed by one year of a monitoring device driver's
2 license as defined in Section 1-144.5, for a person who
3 has been previously suspended under Section 11-501.8 and
4 who refuses or fails to complete a test or tests to
5 determine the alcohol concentration under Section
6 11-501.8; or

7 4. One year from the effective date of the suspension,
8 followed by 12 months of a monitoring device driver's
9 license as defined by Section 1-144.5, imposed for a person
10 who has been previously suspended under Section 11-501.8
11 following submission to a chemical test that disclosed an
12 alcohol concentration greater than 0.00 under Section
13 11-501.8.

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

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

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

7 (e) Following a suspension of driving privileges under
8 Section 11-501.8 for a person who has not had his or her
9 driving privileges previously suspended under that Section,
10 the Secretary of State may issue a restricted driving permit
11 after at least 30 days from the effective date of the
12 suspension.

13 (f) Following a second or subsequent suspension of driving
14 privileges under Section 11-501.8, the Secretary of State may
15 issue a restricted driving permit after at least 12 months from
16 the effective date of the suspension.

17 (g) (Blank).

18 (h) Any restricted driving permit considered under this
19 Section is subject to the provisions of item (e) of Section
20 11-501.8.

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

22 (625 ILCS 5/6-303) (from Ch. 95 1/2, par. 6-303)
23 Sec. 6-303. Driving while driver's license, permit or
24 privilege to operate a motor vehicle is suspended or revoked.

25 (a) Any person who drives or is in actual physical control

1 of a motor vehicle on any highway of this State at a time when
2 such person's driver's license, permit or privilege to do so or
3 the privilege to obtain a driver's license or permit is revoked
4 or suspended as provided by this Code or the law of another
5 state, except as may be specifically allowed by a monitoring
6 device driver's license ~~a judicial driving permit~~, family
7 financial responsibility driving permit, probationary license
8 to drive, or a restricted driving permit issued pursuant to
9 this Code or under the law of another state, shall be guilty of
10 a Class A misdemeanor.

11 (b) The Secretary of State upon receiving a report of the
12 conviction of any violation indicating a person was operating a
13 motor vehicle during the time when said person's driver's
14 license, permit or privilege was suspended by the Secretary, by
15 the appropriate authority of another state, or pursuant to
16 Section 11-501.1; except as may be specifically allowed by a
17 probationary license to drive, a monitoring device driver's
18 license, ~~judicial driving permit~~ or a restricted driving permit
19 issued pursuant to this Code or the law of another state; shall
20 extend the suspension for the same period of time as the
21 originally imposed suspension; however, if the period of
22 suspension has then expired, the Secretary shall be authorized
23 to suspend said person's driving privileges for the same period
24 of time as the originally imposed suspension; and if the
25 conviction was upon a charge which indicated that a vehicle was
26 operated during the time when the person's driver's license,

1 permit or privilege was revoked; except as may be allowed by a
2 restricted driving permit issued pursuant to this Code or the
3 law of another state; the Secretary shall not issue a driver's
4 license for an additional period of one year from the date of
5 such conviction indicating such person was operating a vehicle
6 during such period of revocation.

7 (c) Any person convicted of violating this Section shall
8 serve a minimum term of imprisonment of 10 consecutive days or
9 30 days of community service when the person's driving
10 privilege was revoked or suspended as a result of:

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

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

20 (3) a violation of Section 9-3 of the Criminal Code of
21 1961, as amended, relating to the offense of reckless
22 homicide; or

23 (4) a statutory summary suspension under Section
24 11-501.1 of this Code.

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

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

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

8 (1) Seizure of the license plates of the person's
9 vehicle.

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

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

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

1 court.

2 (d-2) Any person convicted of a third violation of this
3 Section is guilty of a Class 4 felony and must serve a minimum
4 term of imprisonment of 30 days if the revocation or suspension
5 was for a violation of Section 11-401 or 11-501 of this Code,
6 or a similar out-of-state offense, or a similar provision of a
7 local ordinance, a violation of Section 9-3 of the Criminal
8 Code of 1961, relating to the offense of reckless homicide, or
9 a similar out-of-state offense, or a statutory summary
10 suspension under Section 11-501.1 of this Code.

11 (d-3) Any person convicted of a fourth, fifth, sixth,
12 seventh, eighth, or ninth violation of this Section is guilty
13 of a Class 4 felony and must serve a minimum term of
14 imprisonment of 180 days if the revocation or suspension was
15 for a violation of Section 11-401 or 11-501 of this Code, or a
16 similar out-of-state offense, or a similar provision of a local
17 ordinance, a violation of Section 9-3 of the Criminal Code of
18 1961, relating to the offense of reckless homicide, or a
19 similar out-of-state offense, or a statutory summary
20 suspension under Section 11-501.1 of this Code.

21 (d-4) Any person convicted of a tenth, eleventh, twelfth,
22 thirteenth, or fourteenth violation of this Section is guilty
23 of a Class 3 felony, and is not eligible for probation or
24 conditional discharge, if the revocation or suspension was for
25 a violation of Section 11-401 or 11-501 of this Code, or a
26 similar out-of-state offense, or a similar provision of a local

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

5 (d-5) Any person convicted of a fifteenth or subsequent
6 violation of this Section is guilty of a Class 2 felony, and is
7 not eligible for probation or conditional discharge, if the
8 revocation or suspension was for a violation of Section 11-401
9 or 11-501 of this Code, or a similar out-of-state offense, or a
10 similar provision of a local ordinance, a violation of Section
11 9-3 of the Criminal Code of 1961, relating to the offense of
12 reckless homicide, or a similar out-of-state offense, or a
13 statutory summary suspension under Section 11-501.1 of this
14 Code.

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

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

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

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

9 (625 ILCS 5/11-501) (from Ch. 95 1/2, par. 11-501)

10 (Text of Section from P.A. 93-1093 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; and if the person receives a term of probation or
9 conditional discharge, he or she shall be required to serve
10 a mandatory minimum of 10 days of imprisonment or shall be
11 assigned a mandatory minimum of 480 hours of community
12 service, as may be determined by the court, as a condition
13 of the probation or conditional discharge. This mandatory
14 minimum term of imprisonment or assignment of community
15 service shall not be suspended or reduced by the court.

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

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

10 (c-2) (Blank).

11 (c-3) (Blank).

12 (c-4) (Blank).

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

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

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

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

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

1 fine of \$1,750. The imprisonment or assignment of community
2 service under this subdivision (c-5)(4) is not subject to
3 suspension, nor is the person eligible for a reduced
4 sentence.

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

17 (6) Any person convicted of violating subdivision
18 (c-5)(5) or a similar provision a third time within 20
19 years of a previous violation of subsection (a) or a
20 similar provision is guilty of a Class 4 felony and shall
21 receive, in addition to any other penalty imposed, an
22 additional mandatory 40 hours of community service in a
23 program benefiting children, an additional mandatory fine
24 of \$3,000, and a mandatory minimum 120 days of
25 imprisonment. The imprisonment or assignment of community
26 service under this subdivision (c-5)(6) is not subject to

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

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

15 (c-6)(1) 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
18 0.16 or more based on the definition of blood, breath, or
19 urine units in Section 11-501.2, shall be subject, in
20 addition to any other penalty that may be imposed, to a
21 mandatory minimum of 100 hours of community service and a
22 mandatory minimum fine of \$500.

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

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

8 (3) 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
11 provision, if at the time of the third violation of
12 subsection (a) or a similar provision the alcohol
13 concentration in his or her blood, breath, or urine was
14 0.16 or more based on the definition of blood, breath, or
15 urine units in Section 11-501.2, is guilty of a Class 4
16 felony and shall be subject, in addition to any other
17 penalty that may be imposed, to a mandatory minimum of 90
18 days of imprisonment and a mandatory minimum fine of
19 \$2,500.

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

1 occurred while transporting a person under the age of 16 or
2 while the alcohol concentration in his or her blood,
3 breath, or urine was 0.16 or more based on the definition
4 of blood, breath, or urine units in Section 11-501.2, is
5 guilty of a Class 2 felony and is not eligible for a
6 sentence of probation or conditional discharge and is
7 subject to a minimum fine of \$2,500.

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

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

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

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

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

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

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

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

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

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

25 (e) After a finding of guilt and prior to any final
26 sentencing, or an order for supervision, for an offense based

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

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

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

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

4 (h) (Blank).

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

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

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

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

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

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

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

25 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;
26 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;

1 93-840, eff. 7-30-04; 93-1093, eff. 3-29-05; 94-963, eff.
2 6-28-06.)

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

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

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

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

12 (2) under the influence of alcohol;

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

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

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

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

1 the Illinois Controlled Substances Act, or an intoxicating
2 compound listed in the Use of Intoxicating Compounds Act.

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

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

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

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

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

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

1 community service as may be determined by the court.

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

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

12 (c) (Blank).

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

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

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

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

20 (3) A person who violates subsection (a) a fourth or
21 subsequent time, if the fourth or subsequent violation
22 occurs during a period in which his or her driving
23 privileges are revoked or suspended where the revocation or
24 suspension was for a violation of subsection (a), Section
25 11-501.1, paragraph (b) of Section 11-401, or for reckless
26 homicide as defined in Section 9-3 of the Criminal Code of

1 1961, is guilty of a Class 2 felony and is not eligible for
2 a sentence of probation or conditional discharge.

3 (c-2) (Blank).

4 (c-3) (Blank).

5 (c-4) (Blank).

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

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

1 (c-6) Except as provided in subsections (c-7) and (c-7.1),
2 a person 21 years of age or older who violates subsection (a) a
3 second time, if at the time of the second violation the person
4 was transporting a person under the age of 16, is subject to 6
5 months of imprisonment, an additional mandatory minimum fine of
6 \$1,000, and an additional mandatory minimum 140 hours of
7 community service, which shall include 40 hours of community
8 service in a program benefiting children. The imprisonment or
9 assignment of community service under this subsection (c-6) is
10 not subject to suspension, nor is the person eligible for a
11 reduced sentence.

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

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

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

8 (c-8) (Blank).

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

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

1 person eligible for a reduced sentence.

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

14 (c-12) Any person convicted of a first violation of
15 subsection (a) or a similar provision, if the alcohol
16 concentration in his or her blood, breath, or urine was 0.16 or
17 more based on the definition of blood, breath, or urine units
18 in Section 11-501.2, shall be subject, in addition to any other
19 penalty that may be imposed, to a mandatory minimum of 100
20 hours of community service and a mandatory minimum fine of
21 \$500.

22 (c-13) Any person convicted of a second violation of
23 subsection (a) or a similar provision committed within 10 years
24 of a previous violation of subsection (a) or a similar
25 provision, if at the time of the second violation of subsection
26 (a) or a similar provision the alcohol concentration in his or

1 her 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, shall be subject, in addition to any other penalty
4 that may be imposed, to a mandatory minimum of 2 days of
5 imprisonment and a mandatory minimum fine of \$1,250.

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

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

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

9 (A) the person committed a violation of subsection

10 (a) or a similar provision for the third or subsequent
11 time;

12 (B) the person committed a violation of subsection

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

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

20 (D) the person committed a violation of subsection

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

1 compounds as an element of the offense or the person
2 has previously been convicted under subparagraph (C)
3 or subparagraph (F) of this paragraph (1);

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

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

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

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

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

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

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

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

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

26 (h) (Blank).

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

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

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

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

1 and, subject to appropriation, shall be used for enforcement
2 and 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 to assist in the prevention of alcohol related
7 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.

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

1 state of residence. Programs providing treatment must be
2 licensed under existing applicable alcoholism and drug
3 treatment licensure standards.

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

21 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;
22 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;
23 93-840, eff. 7-30-04; 94-110, eff. 1-1-06; 94-963, eff.
24 6-28-06.)

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

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

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

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

9 (2) under the influence of alcohol;

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

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

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

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

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

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

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

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

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

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

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

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

1 or administrative sanction, a mandatory minimum term of either
2 10 days of imprisonment or 480 hours of community service shall
3 be imposed.

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

8 (c) (Blank).

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

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

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

8 (c-2) (Blank).

9 (c-3) (Blank).

10 (c-4) (Blank).

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

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

1 service in a program benefiting children. The imprisonment or
2 assignment of community service under this subsection (c-6) is
3 not subject to suspension, nor is the person eligible for a
4 reduced sentence.

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

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

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

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

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

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

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

6 (c-12) 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 0.16 or
9 more based on the definition of blood, breath, or urine units
10 in Section 11-501.2, shall be subject, in addition to any other
11 penalty that may be imposed, to a mandatory minimum of 100
12 hours of community service and a mandatory minimum fine of
13 \$500.

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

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

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

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

1 thereof if:

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

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

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

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

23 (E) the person, in committing a violation of
24 subsection (a) while driving at any speed in a school
25 speed zone at a time when a speed limit of 20 miles per
26 hour was in effect under subsection (a) of Section

1 11-605 of this Code, was involved in a motor vehicle
2 accident that resulted in bodily harm, other than great
3 bodily harm or permanent disability or disfigurement,
4 to another person, when the violation of subsection (a)
5 was a proximate cause of the bodily harm; or

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

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

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

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

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

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

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

20 (h) (Blank).

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

1 system.

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

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

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

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

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

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

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

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

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

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

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

25 (1) the alcohol concentration in the person's blood or

1 breath is 0.08 or more based on the definition of blood and
2 breath units in Section 11-501.2;

3 (2) under the influence of alcohol;

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

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

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

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

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

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

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

26 (a) or a similar provision includes any violation of a

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

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

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

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

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

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

1 sentence.

2 (c) (Blank).

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

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

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

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

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

19 (3) A person who violates subsection (a) a fourth or
20 fifth time, if the fourth or fifth violation occurs during
21 a 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 2 felony and is not eligible for a sentence of

1 probation or conditional discharge.

2 (c-2) (Blank).

3 (c-3) (Blank).

4 (c-4) (Blank).

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

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

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

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

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

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

1 imprisonment or assignment of community service under this
2 subsection (c-9) is not subject to suspension, nor is the
3 person eligible for a reduced sentence.

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

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

26 (c-12) Any person convicted of a first violation of

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

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

19 (c-14) Any person convicted of a third violation of
20 subsection (a) or a similar provision within 20 years of a
21 previous violation of subsection (a) or a similar provision, if
22 at the time of the third violation of subsection (a) or a
23 similar provision the alcohol concentration in his or her
24 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, is guilty of a Class 4 felony and shall be subject,

1 in addition to any other penalty that may be imposed, to a
2 mandatory minimum of 90 days of imprisonment and a mandatory
3 minimum fine of \$2,500.

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

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

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

24 (A) the person committed a violation of subsection

25 (a) or a similar provision for the third or subsequent
26 time;

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

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

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

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

1 was a proximate cause of the bodily harm; or

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

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

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

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

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

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

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

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

15 (h) (Blank).

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

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

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

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

12 (k) The Secretary of State Police DUI Fund is created as a
13 special fund in the State treasury. All moneys received by the
14 Secretary of State Police under subsection (j) of this Section
15 shall be deposited into the Secretary of State Police DUI Fund
16 and, subject to appropriation, shall be used for enforcement
17 and 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 to assist in the prevention of alcohol related
22 criminal violence throughout the State; police officer
23 training and education in areas related to alcohol related
24 crime, including but not limited to DUI training; and police
25 officer salaries, including but not limited to salaries for
26 hire back funding for safety checkpoints, saturation patrols,

1 and liquor store sting operations.

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

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

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

10 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;
11 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;
12 93-840, eff. 7-30-04; 94-114, eff. 1-1-06; 94-963, eff.
13 6-28-06.)

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

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

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

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

23 (2) under the influence of alcohol;

24 (3) under the influence of any intoxicating compound or
25 combination of intoxicating compounds to a degree that

1 renders the person incapable of driving safely;

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

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

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

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

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

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

25 (2) Any penalty imposed for driving with a license that
26 has been revoked for a previous violation of subsection (a)

1 of this Section shall be in addition to the penalty imposed
2 for any subsequent violation of subsection (a).

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

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

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

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

23 (c) (Blank).

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

1 violation of subsection (a), Section 11-501.1, paragraph
2 (b) of Section 11-401, or for reckless homicide as defined
3 in Section 9-3 of the Criminal Code of 1961 is guilty of a
4 Class 4 felony.

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

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

23 (2.2) A person who violates subsection (a), if the
24 violation occurs during a period in which his or her
25 driving privileges are revoked or suspended where the
26 revocation or suspension was for a violation of subsection

1 (a) or Section 11-501.1, shall also be sentenced to an
2 additional mandatory minimum term of 30 consecutive days of
3 imprisonment, 40 days of 24-hour periodic imprisonment, or
4 720 hours of community service, as may be determined by the
5 court. This mandatory term of imprisonment or assignment of
6 community service shall not be suspended or reduced by the
7 court.

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

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

15 (c-2) (Blank).

16 (c-3) (Blank).

17 (c-4) (Blank).

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

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

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

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

1 children, an additional mandatory minimum 12 days of
2 imprisonment, and a mandatory minimum fine of \$1,750. The
3 imprisonment or assignment of community service under this
4 subsection (c-8) is not subject to suspension, nor is the
5 person eligible for a reduced sentence.

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

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

1 sentence.

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

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

21 (c-13) Any person convicted of a second violation of
22 subsection (a) or a similar provision committed within 10 years
23 of a previous violation of subsection (a) or a similar
24 provision committed within 10 years of a previous violation of
25 subsection (a) or a similar provision, if at the time of the
26 second violation of subsection (a) the alcohol concentration in

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

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

17 (c-15) Any person convicted of a fourth violation of
18 subsection (a) or a similar provision, if at the time of the
19 fourth violation the alcohol concentration in his or her blood,
20 breath, or urine was 0.16 or more based on the definition of
21 blood, breath, or urine units in Section 11-501.2, and if the
22 person's 3 prior violations of subsection (a) or a similar
23 provision occurred while transporting a person under the age of
24 16 or while the alcohol concentration in his or her blood,
25 breath, or urine was 0.16 or more based on the definition of
26 blood, breath, or urine units in Section 11-501.2, is guilty of

1 a Class 2 felony and is not eligible for a sentence of
2 probation or conditional discharge and is subject to a minimum
3 fine of \$2,500.

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

9 (A) the person committed a violation of subsection

10 (a) or a similar provision for the third or subsequent
11 time;

12 (B) the person committed a violation of subsection

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

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

20 (D) the person committed a violation of subsection

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

1 compounds as an element of the offense or the person
2 has previously been convicted under subparagraph (C)
3 or subparagraph (F) of this paragraph (1);

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

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

19 (2) Except as provided in this paragraph (2) and in
20 paragraphs (3) and (4) of subsection (c-1), a person
21 convicted of aggravated driving under the influence of
22 alcohol, other drug or drugs, or intoxicating compound or
23 compounds, or any combination thereof is guilty of a Class
24 4 felony. For a violation of subparagraph (C) of paragraph
25 (1) of this subsection (d), the defendant, if sentenced to
26 a term of imprisonment, shall be sentenced to not less than

1 one year nor more than 12 years. Except as provided in
2 paragraph (4) of subsection (c-1), aggravated driving
3 under the influence of alcohol, other drug, or drugs,
4 intoxicating compounds or compounds, or any combination
5 thereof as defined in subparagraph (A) of paragraph (1) of
6 this subsection (d) is a Class 2 felony. Aggravated driving
7 under 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; 94-116, eff. 1-1-06; 94-963, eff.
4 6-28-06.)

5 (Text of Section from P.A. 94-329 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 or subsequent violation
5 committed within 5 years of a previous violation of subsection
6 (a) or a similar provision, in addition to any other criminal
7 or administrative sanction, a mandatory minimum term of either
8 10 days of imprisonment or 480 hours of community service shall
9 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
21 aggravated driving under the influence of alcohol, other
22 drug or drugs, intoxicating compound or compounds, or any
23 combination thereof and is guilty of a Class 4 felony.

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

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

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

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

26 (c-2) (Blank).

1 (c-3) (Blank).

2 (c-4) (Blank).

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

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

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

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

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

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

1 person eligible for a reduced sentence.

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

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

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

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

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

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

1 minimum fine of \$2,500.

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

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

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

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

26 (C) the person in committing a violation of

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

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

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

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

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

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

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

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

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

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

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

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

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

20 (h) (Blank).

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

1 system.

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

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

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

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

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

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

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

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

19 (625 ILCS 5/11-501.1) (from Ch. 95 1/2, par. 11-501.1)

20 Sec. 11-501.1. Suspension of drivers license; statutory
21 summary alcohol, other drug or drugs, or intoxicating compound
22 or compounds related suspension; implied consent.

23 (a) Any person who drives or is in actual physical control
24 of a motor vehicle upon the public highways of this State shall
25 be deemed to have given consent, subject to the provisions of

1 Section 11-501.2, to a chemical test or tests of blood, breath,
2 or urine for the purpose of determining the content of alcohol,
3 other drug or drugs, or intoxicating compound or compounds or
4 any combination thereof in the person's blood if arrested, as
5 evidenced by the issuance of a Uniform Traffic Ticket, for any
6 offense as defined in Section 11-501 or a similar provision of
7 a local ordinance, or if arrested for violating Section 11-401.
8 The test or tests shall be administered at the direction of the
9 arresting officer. The law enforcement agency employing the
10 officer shall designate which of the aforesaid tests shall be
11 administered. A urine test may be administered even after a
12 blood or breath test or both has been administered. For
13 purposes of this Section, an Illinois law enforcement officer
14 of this State who is investigating the person for any offense
15 defined in Section 11-501 may travel into an adjoining state,
16 where the person has been transported for medical care, to
17 complete an investigation and to request that the person submit
18 to the test or tests set forth in this Section. The
19 requirements of this Section that the person be arrested are
20 inapplicable, but the officer shall issue the person a Uniform
21 Traffic Ticket for an offense as defined in Section 11-501 or a
22 similar provision of a local ordinance prior to requesting that
23 the person submit to the test or tests. The issuance of the
24 Uniform Traffic Ticket shall not constitute an arrest, but
25 shall be for the purpose of notifying the person that he or she
26 is subject to the provisions of this Section and of the

1 officer's belief of the existence of probable cause to arrest.
2 Upon returning to this State, the officer shall file the
3 Uniform Traffic Ticket with the Circuit Clerk of the county
4 where the offense was committed, and shall seek the issuance of
5 an arrest warrant or a summons for the person.

6 (b) Any person who is dead, unconscious, or who is
7 otherwise in a condition rendering the person incapable of
8 refusal, shall be deemed not to have withdrawn the consent
9 provided by paragraph (a) of this Section and the test or tests
10 may be administered, subject to the provisions of Section
11 11-501.2.

12 (c) A person requested to submit to a test as provided
13 above shall be warned by the law enforcement officer requesting
14 the test that a refusal to submit to the test will result in
15 the statutory summary suspension of the person's privilege to
16 operate a motor vehicle as provided in Section 6-208.1 of this
17 Code. The person shall also be warned by the law enforcement
18 officer that if the person submits to the test or tests
19 provided in paragraph (a) of this Section and the alcohol
20 concentration in the person's blood or breath is 0.08 or
21 greater, or any amount of a drug, substance, or compound
22 resulting from the unlawful use or consumption of cannabis as
23 covered by the Cannabis Control Act, a controlled substance
24 listed in the Illinois Controlled Substances Act, or an
25 intoxicating compound listed in the Use of Intoxicating
26 Compounds Act is detected in the person's blood or urine, a

1 statutory summary suspension of the person's privilege to
2 operate a motor vehicle, as provided in Sections 6-208.1 and
3 11-501.1 of this Code, will be imposed.

4 A person who is under the age of 21 at the time the person
5 is requested to submit to a test as provided above shall, in
6 addition to the warnings provided for in this Section, be
7 further warned by the law enforcement officer requesting the
8 test that if the person submits to the test or tests provided
9 in paragraph (a) of this Section and the alcohol concentration
10 in the person's blood or breath is greater than 0.00 and less
11 than 0.08, a suspension of the person's privilege to operate a
12 motor vehicle, as provided under Sections 6-208.2 and 11-501.8
13 of this Code, will be imposed. The results of this test shall
14 be admissible in a civil or criminal action or proceeding
15 arising from an arrest for an offense as defined in Section
16 11-501 of this Code or a similar provision of a local ordinance
17 or pursuant to Section 11-501.4 in prosecutions for reckless
18 homicide brought under the Criminal Code of 1961. These test
19 results, however, shall be admissible only in actions or
20 proceedings directly related to the incident upon which the
21 test request was made.

22 (d) If the person refuses testing or submits to a test that
23 discloses an alcohol concentration of 0.08 or more, or any
24 amount of a drug, substance, or intoxicating compound in the
25 person's breath, blood, or urine resulting from the unlawful
26 use or consumption of cannabis listed in the Cannabis Control

1 Act, a controlled substance listed in the Illinois Controlled
2 Substances Act, or an intoxicating compound listed in the Use
3 of Intoxicating Compounds Act, the law enforcement officer
4 shall immediately submit a sworn report to the circuit court of
5 venue and the Secretary of State, certifying that the test or
6 tests was or were requested under paragraph (a) and the person
7 refused to submit to a test, or tests, or submitted to testing
8 that disclosed an alcohol concentration of 0.08 or more.

9 (e) Upon receipt of the sworn report of a law enforcement
10 officer submitted under paragraph (d), the Secretary of State
11 shall enter the statutory summary suspension for the periods
12 specified in Section 6-208.1, and effective as provided in
13 paragraph (g).

14 If the person is a first offender as defined in Section
15 11-500 of this Code, and is not convicted of a violation of
16 Section 11-501 of this Code or a similar provision of a local
17 ordinance, then reports received by the Secretary of State
18 under this Section shall, except during the actual time the
19 Statutory Summary Suspension is in effect, be privileged
20 information and for use only by the courts, police officers,
21 prosecuting authorities or the Secretary of State.

22 (f) The law enforcement officer submitting the sworn report
23 under paragraph (d) shall serve immediate notice of the
24 statutory summary suspension on the person and the suspension
25 shall be effective as provided in paragraph (g). In cases where
26 the blood alcohol concentration of 0.08 or greater or any

1 amount of a drug, substance, or compound resulting from the
2 unlawful use or consumption of cannabis as covered by the
3 Cannabis Control Act, a controlled substance listed in the
4 Illinois Controlled Substances Act, or an intoxicating
5 compound listed in the Use of Intoxicating Compounds Act is
6 established by a subsequent analysis of blood or urine
7 collected at the time of arrest, the arresting officer or
8 arresting agency shall give notice as provided in this Section
9 or by deposit in the United States mail of the notice in an
10 envelope with postage prepaid and addressed to the person at
11 his address as shown on the Uniform Traffic Ticket and the
12 statutory summary suspension shall begin as provided in
13 paragraph (g). The officer shall confiscate any Illinois
14 driver's license or permit on the person at the time of arrest.
15 If the person has a valid driver's license or permit, the
16 officer shall issue the person a receipt, in a form prescribed
17 by the Secretary of State, that will allow that person to drive
18 during the periods provided for in paragraph (g). The officer
19 shall immediately forward the driver's license or permit to the
20 circuit court of venue along with the sworn report provided for
21 in paragraph (d).

22 (g) The statutory summary suspension referred to in this
23 Section shall take effect on the 46th day following the date
24 the notice of the statutory summary suspension was given to the
25 person.

26 (h) The following procedure shall apply whenever a person

1 is arrested for any offense as defined in Section 11-501 or a
2 similar provision of a local ordinance:

3 Upon receipt of the sworn report from the law enforcement
4 officer, the Secretary of State shall confirm the statutory
5 summary suspension by mailing a notice of the effective date of
6 the suspension to the person and the court of venue. The notice
7 shall inform the person that the person is required to obtain
8 an ignition interlock device or an alternative alcohol
9 monitoring device as provided in Section 6-206. However, should
10 the sworn report be defective by not containing sufficient
11 information or be completed in error, the confirmation of the
12 statutory summary suspension shall not be mailed to the person
13 or entered to the record; instead, the sworn report shall be
14 forwarded to the court of venue with a copy returned to the
15 issuing agency identifying any defect.

16 (Source: P.A. 94-115, eff. 1-1-06.)

17 Section 98. The changes made by this amendatory Act of the
18 95th General Assembly apply only to persons arrested for
19 driving under the influence of alcohol, other drug or drugs,
20 intoxication compound or compounds, or any combination
21 thereof, on or after the effective date of this amendatory Act
22 of the 95th General Assembly.

23 Section 99. Effective date. This Act takes effect January
24 1, 2008."