



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB0073

Introduced 1/14/2009, by Rep. William B. Black - John D'Amico

#### SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-205 from Ch. 95 1/2, par. 6-205  
625 ILCS 5/11-507 new  
720 ILCS 5/9-3.4 new

Amends the Illinois Vehicle Code. Provides that the Secretary of State shall immediately revoke the license, permit, or driving privileges of any driver upon receiving a report of the driver's conviction of negligent vehicular homicide or aggravated negligent driving. Creates the offense of aggravated negligent driving. Provides that a person commits the offense if the person's negligent operation of a motor vehicle is the proximate cause of a motor vehicle accident that results in a type A injury to another or property damage of another in excess of \$1,500. Provides that a violation is a Class A misdemeanor. Amends the Criminal Code of 1961. Creates the offense of negligent vehicular homicide. Provides that a person commits the offense if the person's negligent operation of a motor vehicle is the proximate cause of the death of another person. Provides that a violation is a Class 4 felony.

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CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning certain offenses.

2 WHEREAS, Section 10 of this Act may be referred to as the  
3 Matt Wilhelm Law; therefore

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

6 Section 5. The Illinois Vehicle Code is amended by changing  
7 Section 6-205 and by adding Section 11-507 as follows:

8 (625 ILCS 5/6-205) (from Ch. 95 1/2, par. 6-205)

9 Sec. 6-205. Mandatory revocation of license or permit;  
10 Hardship cases.

11 (a) Except as provided in this Section, the Secretary of  
12 State shall immediately revoke the license, permit, or driving  
13 privileges of any driver upon receiving a report of the  
14 driver's conviction of any of the following offenses:

15 1. Reckless homicide resulting from the operation of a  
16 motor vehicle;

17 2. Violation of Section 11-501 of this Code or a  
18 similar provision of a local ordinance relating to the  
19 offense of operating or being in physical control of a  
20 vehicle while under the influence of alcohol, other drug or  
21 drugs, intoxicating compound or compounds, or any  
22 combination thereof;

1           3. Any felony under the laws of any State or the  
2 federal government in the commission of which a motor  
3 vehicle was used;

4           4. Violation of Section 11-401 of this Code relating to  
5 the offense of leaving the scene of a traffic accident  
6 involving death or personal injury;

7           5. Perjury or the making of a false affidavit or  
8 statement under oath to the Secretary of State under this  
9 Code or under any other law relating to the ownership or  
10 operation of motor vehicles;

11           6. Conviction upon 3 charges of violation of Section  
12 11-503 of this Code relating to the offense of reckless  
13 driving committed within a period of 12 months;

14           7. Conviction of any offense defined in Section 4-102  
15 of this Code;

16           8. Violation of Section 11-504 of this Code relating to  
17 the offense of drag racing;

18           9. Violation of Chapters 8 and 9 of this Code;

19           10. Violation of Section 12-5 of the Criminal Code of  
20 1961 arising from the use of a motor vehicle;

21           11. Violation of Section 11-204.1 of this Code relating  
22 to aggravated fleeing or attempting to elude a peace  
23 officer;

24           12. Violation of paragraph (1) of subsection (b) of  
25 Section 6-507, or a similar law of any other state,  
26 relating to the unlawful operation of a commercial motor

1 vehicle;

2 13. Violation of paragraph (a) of Section 11-502 of  
3 this Code or a similar provision of a local ordinance if  
4 the driver has been previously convicted of a violation of  
5 that Section or a similar provision of a local ordinance  
6 and the driver was less than 21 years of age at the time of  
7 the offense;

8 14. Violation of Section 11-506 of this Code or a  
9 similar provision of a local ordinance relating to the  
10 offense of street racing; -

11 15. Violation of Section 9-3.4 of the Criminal Code of  
12 1961 relating to the offense of negligent vehicular  
13 homicide;

14 16. Violation of Section 11-507 of this Code relating  
15 to aggravated negligent driving.

16 (b) The Secretary of State shall also immediately revoke  
17 the license or permit of any driver in the following  
18 situations:

19 1. Of any minor upon receiving the notice provided for  
20 in Section 5-901 of the Juvenile Court Act of 1987 that the  
21 minor has been adjudicated under that Act as having  
22 committed an offense relating to motor vehicles prescribed  
23 in Section 4-103 of this Code;

24 2. Of any person when any other law of this State  
25 requires either the revocation or suspension of a license  
26 or permit;

1           3. Of any person adjudicated under the Juvenile Court  
2 Act of 1987 based on an offense determined to have been  
3 committed in furtherance of the criminal activities of an  
4 organized gang as provided in Section 5-710 of that Act,  
5 and that involved the operation or use of a motor vehicle  
6 or the use of a driver's license or permit. The revocation  
7 shall remain in effect for the period determined by the  
8 court. Upon the direction of the court, the Secretary shall  
9 issue the person a judicial driving permit, also known as a  
10 JDP. The JDP shall be subject to the same terms as a JDP  
11 issued under Section 6-206.1, except that the court may  
12 direct that a JDP issued under this subdivision (b) (3) be  
13 effective immediately.

14           (c) (1) Except as provided in subsection (c-5), whenever a  
15 person is convicted of any of the offenses enumerated in this  
16 Section, the court may recommend and the Secretary of State in  
17 his discretion, without regard to whether the recommendation is  
18 made by the court may, upon application, issue to the person a  
19 restricted driving permit granting the privilege of driving a  
20 motor vehicle between the petitioner's residence and  
21 petitioner's place of employment or within the scope of the  
22 petitioner's employment related duties, or to allow the  
23 petitioner to transport himself or herself or a family member  
24 of the petitioner's household to a medical facility for the  
25 receipt of necessary medical care or to allow the petitioner to  
26 transport himself or herself to and from alcohol or drug

1 remedial or rehabilitative activity recommended by a licensed  
2 service provider, or to allow the petitioner to transport  
3 himself or herself or a family member of the petitioner's  
4 household to classes, as a student, at an accredited  
5 educational institution, or to allow the petitioner to  
6 transport children living in the petitioner's household to and  
7 from daycare; if the petitioner is able to demonstrate that no  
8 alternative means of transportation is reasonably available  
9 and that the petitioner will not endanger the public safety or  
10 welfare; provided that the Secretary's discretion shall be  
11 limited to cases where undue hardship, as defined by the rules  
12 of the Secretary of State, would result from a failure to issue  
13 the restricted driving permit. Those multiple offenders  
14 identified in subdivision (b)4 of Section 6-208 of this Code,  
15 however, shall not be eligible for the issuance of a restricted  
16 driving permit.

17 (2) If a person's license or permit is revoked or  
18 suspended due to 2 or more convictions of violating Section  
19 11-501 of this Code or a similar provision of a local  
20 ordinance or a similar out-of-state offense, or Section 9-3  
21 of the Criminal Code of 1961, where the use of alcohol or  
22 other drugs is recited as an element of the offense, or a  
23 similar out-of-state offense, or a combination of these  
24 offenses, arising out of separate occurrences, that  
25 person, if issued a restricted driving permit, may not  
26 operate a vehicle unless it has been equipped with an

1 ignition interlock device as defined in Section 1-129.1.

2 (3) If:

3 (A) a person's license or permit is revoked or  
4 suspended 2 or more times within a 10 year period due  
5 to any combination of:

6 (i) a single conviction of violating Section  
7 11-501 of this Code or a similar provision of a  
8 local ordinance or a similar out-of-state offense,  
9 or Section 9-3 of the Criminal Code of 1961, where  
10 the use of alcohol or other drugs is recited as an  
11 element of the offense, or a similar out-of-state  
12 offense; or

13 (ii) a statutory summary suspension under  
14 Section 11-501.1; or

15 (iii) a suspension pursuant to Section  
16 6-203.1;

17 arising out of separate occurrences; or

18 (B) a person has been convicted of one violation of  
19 Section 6-303 of this Code committed while his or her  
20 driver's license, permit, or privilege was revoked  
21 because of a violation of Section 9-3 of the Criminal  
22 Code of 1961, relating to the offense of reckless  
23 homicide, or a similar provision of a law of another  
24 state; τ

25 that person, if issued a restricted driving permit, may not  
26 operate a vehicle unless it has been equipped with an

1 ignition interlock device as defined in Section 1-129.1.

2 (4) The person issued a permit conditioned on the use  
3 of an ignition interlock device must pay to the Secretary  
4 of State DUI Administration Fund an amount not to exceed  
5 \$30 per month. The Secretary shall establish by rule the  
6 amount and the procedures, terms, and conditions relating  
7 to these fees.

8 (5) If the restricted driving permit is issued for  
9 employment purposes, then the prohibition against  
10 operating a motor vehicle that is not equipped with an  
11 ignition interlock device does not apply to the operation  
12 of an occupational vehicle owned or leased by that person's  
13 employer when used solely for employment purposes.

14 (6) In each case the Secretary of State may issue a  
15 restricted driving permit for a period he deems  
16 appropriate, except that the permit shall expire within one  
17 year from the date of issuance. The Secretary may not,  
18 however, issue a restricted driving permit to any person  
19 whose current revocation is the result of a second or  
20 subsequent conviction for a violation of Section 11-501 of  
21 this Code or a similar provision of a local ordinance or  
22 any similar out-of-state offense, or Section 9-3 of the  
23 Criminal Code of 1961, where the use of alcohol or other  
24 drugs is recited as an element of the offense, or any  
25 similar out-of-state offense, or any combination of these  
26 offenses, until the expiration of at least one year from



1 the date of the revocation. A restricted driving permit  
2 issued under this Section shall be subject to cancellation,  
3 revocation, and suspension by the Secretary of State in  
4 like manner and for like cause as a driver's license issued  
5 under this Code may be cancelled, revoked, or suspended;  
6 except that a conviction upon one or more offenses against  
7 laws or ordinances regulating the movement of traffic shall  
8 be deemed sufficient cause for the revocation, suspension,  
9 or cancellation of a restricted driving permit. The  
10 Secretary of State may, as a condition to the issuance of a  
11 restricted driving permit, require the petitioner to  
12 participate in a designated driver remedial or  
13 rehabilitative program. The Secretary of State is  
14 authorized to cancel a restricted driving permit if the  
15 permit holder does not successfully complete the program.  
16 However, if an individual's driving privileges have been  
17 revoked in accordance with paragraph 13 of subsection (a)  
18 of this Section, no restricted driving permit shall be  
19 issued until the individual has served 6 months of the  
20 revocation period.

21 (c-5) The Secretary may not issue a restricted driving  
22 permit to any person who has been convicted of a second or  
23 subsequent violation of Section 6-303 of this Code committed  
24 while his or her driver's license, permit, or privilege was  
25 revoked because of a violation of Section 9-3 of the Criminal  
26 Code of 1961, relating to the offense of reckless homicide, or

1 a similar provision of a law of another state.

2 (d) (1) Whenever a person under the age of 21 is convicted  
3 under Section 11-501 of this Code or a similar provision of a  
4 local ordinance or a similar out-of-state offense, the  
5 Secretary of State shall revoke the driving privileges of that  
6 person. One year after the date of revocation, and upon  
7 application, the Secretary of State may, if satisfied that the  
8 person applying will not endanger the public safety or welfare,  
9 issue a restricted driving permit granting the privilege of  
10 driving a motor vehicle only between the hours of 5 a.m. and 9  
11 p.m. or as otherwise provided by this Section for a period of  
12 one year. After this one year period, and upon reapplication  
13 for a license as provided in Section 6-106, upon payment of the  
14 appropriate reinstatement fee provided under paragraph (b) of  
15 Section 6-118, the Secretary of State, in his discretion, may  
16 reinstate the petitioner's driver's license and driving  
17 privileges, or extend the restricted driving permit as many  
18 times as the Secretary of State deems appropriate, by  
19 additional periods of not more than 12 months each.

20 (2) If a person's license or permit is revoked or  
21 suspended due to 2 or more convictions of violating Section  
22 11-501 of this Code or a similar provision of a local  
23 ordinance or a similar out-of-state offense, or Section 9-3  
24 of the Criminal Code of 1961, where the use of alcohol or  
25 other drugs is recited as an element of the offense, or a  
26 similar out-of-state offense, or a combination of these

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

5 (3) If a person's license or permit is revoked or  
6 suspended 2 or more times within a 10 year period due to  
7 any combination of:

8 (A) a single conviction of violating Section  
9 11-501 of this Code or a similar provision of a local  
10 ordinance or a similar out-of-state offense, or  
11 Section 9-3 of the Criminal Code of 1961, where the use  
12 of alcohol or other drugs is recited as an element of  
13 the offense, or a similar out-of-state offense; or

14 (B) a statutory summary suspension under Section  
15 11-501.1; or

16 (C) a suspension pursuant to Section 6-203.1;

17 arising out of separate occurrences, that person, if issued  
18 a restricted driving permit, may not operate a vehicle  
19 unless it has been equipped with an ignition interlock  
20 device as defined in Section 1-129.1.

21 (4) The person issued a permit conditioned upon the use  
22 of an interlock device must pay to the Secretary of State  
23 DUI Administration Fund an amount not to exceed \$30 per  
24 month. The Secretary shall establish by rule the amount and  
25 the procedures, terms, and conditions relating to these  
26 fees.

1           (5) If the restricted driving permit is issued for  
2           employment purposes, then the prohibition against driving  
3           a vehicle that is not equipped with an ignition interlock  
4           device does not apply to the operation of an occupational  
5           vehicle owned or leased by that person's employer when used  
6           solely for employment purposes.

7           (6) A restricted driving permit issued under this  
8           Section shall be subject to cancellation, revocation, and  
9           suspension by the Secretary of State in like manner and for  
10          like cause as a driver's license issued under this Code may  
11          be cancelled, revoked, or suspended; except that a  
12          conviction upon one or more offenses against laws or  
13          ordinances regulating the movement of traffic shall be  
14          deemed sufficient cause for the revocation, suspension, or  
15          cancellation of a restricted driving permit.

16          (d-5) The revocation of the license, permit, or driving  
17          privileges of a person convicted of a third or subsequent  
18          violation of Section 6-303 of this Code committed while his or  
19          her driver's license, permit, or privilege was revoked because  
20          of a violation of Section 9-3 of the Criminal Code of 1961,  
21          relating to the offense of reckless homicide, or a similar  
22          provision of a law of another state, is permanent. The  
23          Secretary may not, at any time, issue a license or permit to  
24          that person.

25          (e) This Section is subject to the provisions of the Driver  
26          License Compact.

1           (f) Any revocation imposed upon any person under  
2 subsections 2 and 3 of paragraph (b) that is in effect on  
3 December 31, 1988 shall be converted to a suspension for a like  
4 period of time.

5           (g) The Secretary of State shall not issue a restricted  
6 driving permit to a person under the age of 16 years whose  
7 driving privileges have been revoked under any provisions of  
8 this Code.

9           (h) The Secretary of State shall require the use of  
10 ignition interlock devices on all vehicles owned by a person  
11 who has been convicted of a second or subsequent offense under  
12 Section 11-501 of this Code or a similar provision of a local  
13 ordinance. The person must pay to the Secretary of State DUI  
14 Administration Fund an amount not to exceed \$30 for each month  
15 that he or she uses the device. The Secretary shall establish  
16 by rule and regulation the procedures for certification and use  
17 of the interlock system, the amount of the fee, and the  
18 procedures, terms, and conditions relating to these fees.

19           (i) (Blank).

20           (j) In accordance with 49 C.F.R. 384, the Secretary of  
21 State may not issue a restricted driving permit for the  
22 operation of a commercial motor vehicle to a person holding a  
23 CDL whose driving privileges have been revoked, suspended,  
24 cancelled, or disqualified under any provisions of this Code.

25           (Source: P.A. 94-307, eff. 9-30-05; 95-310, eff. 1-1-08;  
26 95-337, eff. 6-1-08; 95-377, eff. 1-1-08; 95-382, eff. 8-23-07;

1 95-627, eff. 6-1-08; 95-848, eff. 1-1-09; 95-876, eff. 8-21-08;  
2 revised 9-10-08.)

3 (625 ILCS 5/11-507 new)

4 Sec. 11-507. Aggravated negligent driving.

5 (a) A person commits aggravated negligent driving if the  
6 person's negligent operation of a motor vehicle is the  
7 proximate cause of a motor vehicle accident that results in a  
8 type A injury to another or property damage of another in  
9 excess of \$1,500.

10 (b) For purposes of this Section, "negligence" has the  
11 meaning ascribed in Section 4-7 of the Criminal Code of 1961.

12 (c) The finder of fact may consider statutes and ordinances  
13 regulating the defendant's conduct in determining whether he or  
14 she was culpably negligent under subsection (a). If the trier  
15 of fact determines beyond a reasonable doubt that the defendant  
16 has engaged in conduct which would be a violation of the laws  
17 or ordinances regulating the movement of traffic, he or she may  
18 infer that the person has acted negligently.

19 (d) For purposes of this Section, "type A injury" means any  
20 injury that requires immediate professional attention in  
21 either a doctor's office or a medical facility, including  
22 severely bleeding wounds, distorted extremities, and injuries  
23 that require the injured party to be carried from the scene.

24 (e) Aggravated negligent driving is a Class A misdemeanor.

1           Section 10. The Criminal Code of 1961 is amended by adding  
2           Section 9-3.4 as follows:

3           (720 ILCS 5/9-3.4 new)

4           Sec. 9-3.4. Negligent vehicular homicide.

5           (a) A person commits negligent vehicular homicide if the  
6           person's negligent operation of a motor vehicle is the  
7           proximate cause of the death of another person.

8           (b) For purposes of this Section, "negligence" has the  
9           meaning ascribed in Section 4-7 of this Code.

10          (c) The finder of fact may consider statutes and ordinances  
11          regulating the defendant's conduct in determining whether he or  
12          she was culpably negligent under subsection (a). If the trier  
13          of fact determines beyond a reasonable doubt that the defendant  
14          has engaged in conduct which would be a violation of the laws  
15          or ordinances regulating the movement of traffic, he or she may  
16          infer that the person has acted negligently.

17          (d) Negligent vehicular homicide is a Class 4 felony.