



Rep. Susana A. Mendoza

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09600HB2490ham002

LRB096 09113 AJT 33173 a

1 AMENDMENT TO HOUSE BILL 2490

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2490, AS AMENDED, by  
3 replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Illinois Vehicle Code is amended by  
6 changing Section 6-303 as follows:

7 (625 ILCS 5/6-303) (from Ch. 95 1/2, par. 6-303)

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

10 (a) Except as otherwise provided in subsection (a-5), any  
11 person who drives or is in actual physical control of a motor  
12 vehicle on any highway of this State at a time when such  
13 person's driver's license, permit or privilege to do so or the  
14 privilege to obtain a driver's license or permit is revoked or  
15 suspended as provided by this Code or the law of another state,  
16 except as may be specifically allowed by a judicial driving

1 permit issued prior to January 1, 2009, monitoring device  
2 driving permit, family financial responsibility driving  
3 permit, probationary license to drive, or a restricted driving  
4 permit issued pursuant to this Code or under the law of another  
5 state, shall be guilty of a Class A misdemeanor.

6 (a-5) Any person who violates this Section as provided in  
7 subsection (a) while his or her driver's license, permit or  
8 privilege is revoked because of a violation of Section 9-3 of  
9 the Criminal Code of 1961, relating to the offense of reckless  
10 homicide or a similar provision of a law of another state, is  
11 guilty of a Class 4 felony. The person shall be required to  
12 undergo a professional evaluation, as provided in Section  
13 11-501 of this Code, to determine if an alcohol, drug, or  
14 intoxicating compound problem exists and the extent of the  
15 problem, and to undergo the imposition of treatment as  
16 appropriate.

17 (b) (Blank).

18 (b-1) Upon receiving a report of the conviction of any  
19 violation indicating a person was operating a motor vehicle  
20 during the time when the person's driver's license, permit or  
21 privilege was suspended by the Secretary of State or the  
22 driver's licensing administrator of another state, except as  
23 specifically allowed by a probationary license, judicial  
24 driving permit, restricted driving permit or monitoring device  
25 driving permit the Secretary shall extend the suspension for  
26 the same period of time as the originally imposed suspension

1 unless the suspension has already expired, in which case the  
2 Secretary shall be authorized to suspend the person's driving  
3 privileges for the same period of time as the originally  
4 imposed suspension.

5 (b-2) Except as provided in subsection (b-6), upon  
6 receiving a report of the conviction of any violation  
7 indicating a person was operating a motor vehicle when the  
8 person's driver's license, permit or privilege was revoked by  
9 the Secretary of State or the driver's license administrator of  
10 any other state, except as specifically allowed by a restricted  
11 driving permit issued pursuant to this Code or the law of  
12 another state, the Secretary shall not issue a driver's license  
13 for an additional period of one year from the date of such  
14 conviction indicating such person was operating a vehicle  
15 during such period of revocation.

16 (b-3) (Blank).

17 (b-4) When the Secretary of State receives a report of a  
18 conviction of any violation indicating a person was operating a  
19 motor vehicle that was not equipped with an ignition interlock  
20 device during a time when the person was prohibited from  
21 operating a motor vehicle not equipped with such a device, the  
22 Secretary shall not issue a driver's license to that person for  
23 an additional period of one year from the date of the  
24 conviction.

25 (b-5) Any person convicted of violating this Section shall  
26 serve a minimum term of imprisonment of 30 consecutive days or

1 300 hours of community service when the person's driving  
2 privilege was revoked or suspended as a result of a violation  
3 of Section 9-3 of the Criminal Code of 1961, as amended,  
4 relating to the offense of reckless homicide, or a similar  
5 provision of a law of another state.

6 (b-6) Upon receiving a report of a first conviction of  
7 operating a motor vehicle while the person's driver's license,  
8 permit or privilege was revoked where the revocation was for a  
9 violation of Section 9-3 of the Criminal Code of 1961 relating  
10 to the offense of reckless homicide or a similar out-of-state  
11 offense, the Secretary shall not issue a driver's license for  
12 an additional period of three years from the date of such  
13 conviction.

14 (c) Except as provided in subsections (c-3) and (c-4), any  
15 person convicted of violating this Section shall serve a  
16 minimum term of imprisonment of 10 consecutive days or 30 days  
17 of community service when the person's driving privilege was  
18 revoked or suspended as a result of:

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

24 (2) a violation of paragraph (b) of Section 11-401 of  
25 this Code or a similar provision of a local ordinance  
26 relating to the offense of leaving the scene of a motor

1 vehicle accident involving personal injury or death; or

2 (3) a statutory summary suspension under Section  
3 11-501.1 of this Code.

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

6 (c-1) Except as provided in subsections (c-5) and (d), any  
7 person convicted of a second violation of this Section shall be  
8 ordered by the court to serve a minimum of 100 hours of  
9 community service.

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

13 (1) Seizure of the license plates of the person's  
14 vehicle.

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

17 (c-3) Any person convicted of a violation of this Section  
18 during a period of summary suspension imposed pursuant to  
19 Section 11-501.1 when the person was eligible for a MDDP shall  
20 be guilty of a Class 4 felony and shall serve a minimum term of  
21 imprisonment of 30 days.

22 (c-4) Any person who has been issued a MDDP and who is  
23 convicted of a violation of this Section as a result of  
24 operating or being in actual physical control of a motor  
25 vehicle not equipped with an ignition interlock device at the  
26 time of the offense shall be guilty of a Class 4 felony and

1 shall serve a minimum term of imprisonment of 30 days.

2 (c-5) Any person convicted of a second violation of this  
3 Section is guilty of a Class 2 felony, is not eligible for  
4 probation or conditional discharge, and shall serve a mandatory  
5 term of imprisonment, if the revocation or suspension was for a  
6 violation of Section 9-3 of the Criminal Code of 1961, relating  
7 to the offense of reckless homicide, or a similar out-of-state  
8 offense.

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

17 (d-1) Except as provided in subsections (d-2), (d-2.5), and  
18 (d-3), any person convicted of a third or subsequent violation  
19 of this Section shall serve a minimum term of imprisonment of  
20 30 days or 300 hours of community service, as determined by the  
21 court.

22 (d-2) Any person convicted of a third violation of this  
23 Section is guilty of a Class 4 felony and must serve a minimum  
24 term of imprisonment of 30 days if the revocation or suspension  
25 was for a violation of Section 11-401 or 11-501 of this Code,  
26 or a similar out-of-state offense, or a similar provision of a

1 local ordinance, or a statutory summary suspension under  
2 Section 11-501.1 of this Code.

3 (d-2.5) Any person convicted of a third violation of this  
4 Section is guilty of a Class 1 felony, is not eligible for  
5 probation or conditional discharge, and must serve a mandatory  
6 term of imprisonment if the revocation or suspension was for a  
7 violation of Section 9-3 of the Criminal Code of 1961, relating  
8 to the offense of reckless homicide, or a similar out-of-state  
9 offense. The person's driving privileges shall be revoked for  
10 the remainder of the person's life.

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, ~~or a statutory summary suspension under Section~~  
18 ~~11-501.1 of this Code.~~

19 (d-3.3) Any person convicted of a fourth, fifth, sixth,  
20 seventh, eighth, or ninth violation of this Section is guilty  
21 of a Class 4 felony and must serve a minimum term of  
22 imprisonment of 180 days and abstain from consuming alcohol  
23 while wearing a continuous alcohol monitoring device to verify  
24 compliance for 270 days after imprisonment if the revocation or  
25 suspension was for a violation of Section 11-501 of this Code,  
26 or a similar out-of-state offense, or a similar provision of a

1 local ordinance, or a statutory summary suspension under  
2 Section 11-501.1 of this Code.

3 (d-3.5) Any person convicted of a fourth or subsequent  
4 violation of this Section is guilty of a Class 1 felony, is not  
5 eligible for probation or conditional discharge, and must serve  
6 a mandatory term of imprisonment, and is eligible for an  
7 extended term, if the revocation or suspension was for a  
8 violation of Section 9-3 of the Criminal Code of 1961, relating  
9 to the offense of reckless homicide, or a similar out-of-state  
10 offense.

11 (d-4) Any person convicted of a tenth, eleventh, twelfth,  
12 thirteenth, or fourteenth violation of this Section is guilty  
13 of a Class 3 felony, and is not eligible for probation or  
14 conditional discharge, if the revocation or suspension was for  
15 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, ~~or a statutory summary suspension under Section~~  
18 ~~11-501.1 of this Code.~~

19 (d-4.5) Any person convicted of a tenth, eleventh, twelfth,  
20 thirteenth, or fourteenth violation of this Section is guilty  
21 of a Class 3 felony, and is not eligible for probation or  
22 conditional discharge, if the revocation or suspension was for  
23 a violation of Section 11-501 of this Code, or a similar  
24 out-of-state offense, or a similar provision of a local  
25 ordinance, or a statutory summary suspension under Section  
26 11-501.1 of this Code. Upon release, the person shall abstain



1 from consuming alcohol and wear a continuous alcohol monitoring  
2 device to verify compliance for 365 days after imprisonment.

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

10 (d-7) Any person convicted of a fifteenth or subsequent  
11 violation of this Section is guilty of a Class 2 felony, and is  
12 not eligible for probation or conditional discharge, if the  
13 revocation or suspension was for a violation of Section 11-501  
14 of this Code, or a similar out-of-state offense, or a similar  
15 provision of a local ordinance, or a statutory summary  
16 suspension under Section 11-501.1 of this Code. Upon release,  
17 the person shall abstain from consuming alcohol and wear a  
18 continuous alcohol monitoring device to verify compliance for  
19 365 days after imprisonment.

20 (e) Any person in violation of this Section who is also in  
21 violation of Section 7-601 of this Code relating to mandatory  
22 insurance requirements, in addition to other penalties imposed  
23 under this Section, shall have his or her motor vehicle  
24 immediately impounded by the arresting law enforcement  
25 officer. The motor vehicle may be released to any licensed  
26 driver upon a showing of proof of insurance for the vehicle

1 that was impounded and the notarized written consent for the  
2 release by the vehicle owner.

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

6 (g) The motor vehicle used in a violation of this Section  
7 is subject to seizure and forfeiture as provided in Sections  
8 36-1 and 36-2 of the Criminal Code of 1961 if the person's  
9 driving privilege was revoked or suspended as a result of a  
10 violation listed in paragraph (1) or (2) of subsection (c) of  
11 this Section, as a result of a summary suspension as provided  
12 in paragraph (3) of subsection (c) of this Section, or as a  
13 result of a violation of Section 9-3 of the Criminal Code of  
14 1961 relating to the offense of reckless homicide.

15 (h) For the purposes of this Section, "continuous alcohol  
16 monitoring device" means a device that automatically tests  
17 breath, blood, or transdermal alcohol concentration levels at  
18 least once every hour and detects tamper attempts, regardless  
19 of the location of the person who is being monitored, and  
20 regularly transmits such data. A person required to wear a  
21 continuous alcohol monitoring device under this Section is  
22 responsible for all costs of the device.

23 (Source: P.A. 95-27, eff. 1-1-08; 95-377, eff. 1-1-08; 95-400,  
24 eff. 1-1-09; 95-578, eff. 6-1-08; 95-876, eff. 8-21-08; 95-991,  
25 eff. 6-1-09; 96-502, eff. 1-1-10; 96-607, eff. 8-24-09; revised  
26 9-15-09.)".