



Rep. Elaine Nekritz

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LRB097 15048 HEP 66443 a

1 AMENDMENT TO HOUSE BILL 3945

2 AMENDMENT NO. _____. Amend House Bill 3945 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Identification Act is amended by
5 changing Section 5.2 as follows:

6 (20 ILCS 2630/5.2)

7 Sec. 5.2. Expungement and sealing.

8 (a) General Provisions.

9 (1) Definitions. In this Act, words and phrases have
10 the meanings set forth in this subsection, except when a
11 particular context clearly requires a different meaning.

12 (A) The following terms shall have the meanings
13 ascribed to them in the Unified Code of Corrections,
14 730 ILCS 5/5-1-2 through 5/5-1-22:

15 (i) Business Offense (730 ILCS 5/5-1-2),

16 (ii) Charge (730 ILCS 5/5-1-3),

1 (iii) Court (730 ILCS 5/5-1-6),
2 (iv) Defendant (730 ILCS 5/5-1-7),
3 (v) Felony (730 ILCS 5/5-1-9),
4 (vi) Imprisonment (730 ILCS 5/5-1-10),
5 (vii) Judgment (730 ILCS 5/5-1-12),
6 (viii) Misdemeanor (730 ILCS 5/5-1-14),
7 (ix) Offense (730 ILCS 5/5-1-15),
8 (x) Parole (730 ILCS 5/5-1-16),
9 (xi) Petty Offense (730 ILCS 5/5-1-17),
10 (xii) Probation (730 ILCS 5/5-1-18),
11 (xiii) Sentence (730 ILCS 5/5-1-19),
12 (xiv) Supervision (730 ILCS 5/5-1-21), and
13 (xv) Victim (730 ILCS 5/5-1-22).

14 (B) As used in this Section, "charge not initiated
15 by arrest" means a charge (as defined by 730 ILCS
16 5/5-1-3) brought against a defendant where the
17 defendant is not arrested prior to or as a direct
18 result of the charge.

19 (C) "Conviction" means a judgment of conviction or
20 sentence entered upon a plea of guilty or upon a
21 verdict or finding of guilty of an offense, rendered by
22 a legally constituted jury or by a court of competent
23 jurisdiction authorized to try the case without a jury.
24 An order of supervision successfully completed by the
25 petitioner is not a conviction. An order of qualified
26 probation (as defined in subsection (a)(1)(J))

1 successfully completed by the petitioner is not a
2 conviction. An order of supervision or an order of
3 qualified probation that is terminated
4 unsatisfactorily is a conviction, unless the
5 unsatisfactory termination is reversed, vacated, or
6 modified and the judgment of conviction, if any, is
7 reversed or vacated.

8 (D) "Criminal offense" means a petty offense,
9 business offense, misdemeanor, felony, or municipal
10 ordinance violation (as defined in subsection
11 (a)(1)(H)). As used in this Section, a minor traffic
12 offense (as defined in subsection (a)(1)(G)) shall not
13 be considered a criminal offense.

14 (E) "Expunge" means to physically destroy the
15 records or return them to the petitioner and to
16 obliterate the petitioner's name from any official
17 index or public record, or both. Nothing in this Act
18 shall require the physical destruction of the circuit
19 court file, but such records relating to arrests or
20 charges, or both, ordered expunged shall be impounded
21 as required by subsections (d)(9)(A)(ii) and
22 (d)(9)(B)(ii).

23 (F) As used in this Section, "last sentence" means
24 the sentence, order of supervision, or order of
25 qualified probation (as defined by subsection
26 (a)(1)(J)), for a criminal offense (as defined by

1 subsection (a)(1)(D)) that terminates last in time in
2 any jurisdiction, regardless of whether the petitioner
3 has included the criminal offense for which the
4 sentence or order of supervision or qualified
5 probation was imposed in his or her petition. If
6 multiple sentences, orders of supervision, or orders
7 of qualified probation terminate on the same day and
8 are last in time, they shall be collectively considered
9 the "last sentence" regardless of whether they were
10 ordered to run concurrently.

11 (G) "Minor traffic offense" means a petty offense,
12 business offense, or Class C misdemeanor under the
13 Illinois Vehicle Code or a similar provision of a
14 municipal or local ordinance.

15 (H) "Municipal ordinance violation" means an
16 offense defined by a municipal or local ordinance that
17 is criminal in nature and with which the petitioner was
18 charged or for which the petitioner was arrested and
19 released without charging.

20 (I) "Petitioner" means an adult or a minor
21 prosecuted as an adult who has applied for relief under
22 this Section.

23 (J) "Qualified probation" means an order of
24 probation under Section 10 of the Cannabis Control Act,
25 Section 410 of the Illinois Controlled Substances Act,
26 Section 70 of the Methamphetamine Control and

1 Community Protection Act, Section 12-4.3(b)(1) and (2)
2 of the Criminal Code of 1961 (as those provisions
3 existed before their deletion by Public Act 89-313),
4 Section 10-102 of the Illinois Alcoholism and Other
5 Drug Dependency Act, Section 40-10 of the Alcoholism
6 and Other Drug Abuse and Dependency Act, or Section 10
7 of the Steroid Control Act. For the purpose of this
8 Section, "successful completion" of an order of
9 qualified probation under Section 10-102 of the
10 Illinois Alcoholism and Other Drug Dependency Act and
11 Section 40-10 of the Alcoholism and Other Drug Abuse
12 and Dependency Act means that the probation was
13 terminated satisfactorily and the judgment of
14 conviction was vacated.

15 (K) "Seal" means to physically and electronically
16 maintain the records, unless the records would
17 otherwise be destroyed due to age, but to make the
18 records unavailable without a court order, subject to
19 the exceptions in Sections 12 and 13 of this Act. The
20 petitioner's name shall also be obliterated from the
21 official index required to be kept by the circuit court
22 clerk under Section 16 of the Clerks of Courts Act, but
23 any index issued by the circuit court clerk before the
24 entry of the order to seal shall not be affected.

25 (L) "Sexual offense committed against a minor"
26 includes but is not limited to the offenses of indecent

1 solicitation of a child or criminal sexual abuse when
2 the victim of such offense is under 18 years of age.

3 (M) "Terminate" as it relates to a sentence or
4 order of supervision or qualified probation includes
5 either satisfactory or unsatisfactory termination of
6 the sentence, unless otherwise specified in this
7 Section.

8 (2) Minor Traffic Offenses. Orders of supervision or
9 convictions for minor traffic offenses shall not affect a
10 petitioner's eligibility to expunge or seal records
11 pursuant to this Section.

12 (3) Exclusions. Except as otherwise provided in
13 subsections (b) (5), (b) (6), and (e) of this Section, the
14 court shall not order:

15 (A) the sealing or expungement of the records of
16 arrests or charges not initiated by arrest that result
17 in an order of supervision for or conviction of: (i)
18 any sexual offense committed against a minor; (ii)
19 Section 11-501 of the Illinois Vehicle Code or a
20 similar provision of a local ordinance; or (iii)
21 Section 11-503 of the Illinois Vehicle Code or a
22 similar provision of a local ordinance, unless the
23 arrest or charge for the violation of Section 11-503 or
24 a similar provision of a local ordinance occurred prior
25 to the offender reaching the age of 25 years and the
26 offender has no other conviction for violating Section

1 11-501 or 11-503 of the Illinois Vehicle Code or a
2 similar provision of a local ordinance.

3 (B) the sealing or expungement of records of minor
4 traffic offenses (as defined in subsection (a)(1)(G)),
5 unless the petitioner was arrested and released
6 without charging.

7 (C) the sealing of the records of arrests or
8 charges not initiated by arrest which result in an
9 order of supervision, an order of qualified probation
10 (as defined in subsection (a)(1)(J)), or a conviction
11 for the following offenses:

12 (i) offenses included in Article 11 of the
13 Criminal Code of 1961 or a similar provision of a
14 local ordinance, except Section 11-14 of the
15 Criminal Code of 1961 or a similar provision of a
16 local ordinance;

17 (ii) Section 11-1.50, 12-3.4, 12-15, 12-30, or
18 26-5 of the Criminal Code of 1961 or a similar
19 provision of a local ordinance;

20 (iii) offenses defined as "crimes of violence"
21 in Section 2 of the Crime Victims Compensation Act
22 or a similar provision of a local ordinance;

23 (iv) offenses which are Class A misdemeanors
24 under the Humane Care for Animals Act; or

25 (v) any offense or attempted offense that
26 would subject a person to registration under the

1 Sex Offender Registration Act.

2 (D) the sealing of the records of an arrest which
3 results in the petitioner being charged with a felony
4 offense or records of a charge not initiated by arrest
5 for a felony offense unless:

6 (i) the charge is amended to a misdemeanor and
7 is otherwise eligible to be sealed pursuant to
8 subsection (c);

9 (ii) the charge is brought along with another
10 charge as a part of one case and the charge results
11 in acquittal, dismissal, or conviction when the
12 conviction was reversed or vacated, and another
13 charge brought in the same case results in a
14 disposition for a misdemeanor offense that is
15 eligible to be sealed pursuant to subsection (c) or
16 a disposition listed in paragraph (i), (iii), or
17 (iv) of this subsection;

18 (iii) the charge results in first offender
19 probation as set forth in subsection (c)(2)(E);

20 (iv) the charge is for a Class 4 felony offense
21 listed in subsection (c)(2)(F) or the charge is
22 amended to a Class 4 felony offense listed in
23 subsection (c)(2)(F). Records of arrests which
24 result in the petitioner being charged with a Class
25 4 felony offense listed in subsection (c)(2)(F),
26 records of charges not initiated by arrest for

1 Class 4 felony offenses listed in subsection
2 (c)(2)(F), and records of charges amended to a
3 Class 4 felony offense listed in (c)(2)(F) may be
4 sealed, regardless of the disposition, subject to
5 any waiting periods set forth in subsection
6 (c)(3);

7 (v) the charge results in acquittal,
8 dismissal, or the petitioner's release without
9 conviction; or

10 (vi) the charge results in a conviction, but
11 the conviction was reversed or vacated.

12 (b) Expungement.

13 (1) A petitioner may petition the circuit court to
14 expunge the records of his or her arrests and charges not
15 initiated by arrest when:

16 (A) He or she has never been convicted of a
17 criminal offense; and

18 (B) Each arrest or charge not initiated by arrest
19 sought to be expunged resulted in: (i) acquittal,
20 dismissal, or the petitioner's release without
21 charging, unless excluded by subsection (a)(3)(B);
22 (ii) a conviction which was vacated or reversed, unless
23 excluded by subsection (a)(3)(B); (iii) an order of
24 supervision and such supervision was successfully
25 completed by the petitioner, unless excluded by
26 subsection (a)(3)(A) or (a)(3)(B); or (iv) an order of

1 qualified probation (as defined in subsection
2 (a) (1) (J)) and such probation was successfully
3 completed by the petitioner.

4 (2) Time frame for filing a petition to expunge.

5 (A) When the arrest or charge not initiated by
6 arrest sought to be expunged resulted in an acquittal,
7 dismissal, the petitioner's release without charging,
8 or the reversal or vacation of a conviction, there is
9 no waiting period to petition for the expungement of
10 such records.

11 (B) When the arrest or charge not initiated by
12 arrest sought to be expunged resulted in an order of
13 supervision, successfully completed by the petitioner,
14 the following time frames will apply:

15 (i) Those arrests or charges that resulted in
16 orders of supervision under Section 3-707, 3-708,
17 3-710, or 5-401.3 of the Illinois Vehicle Code or a
18 similar provision of a local ordinance, or under
19 Section 11-1.50, 12-3.2, or 12-15 of the Criminal
20 Code of 1961 or a similar provision of a local
21 ordinance, shall not be eligible for expungement
22 until 5 years have passed following the
23 satisfactory termination of the supervision.

24 (ii) Those arrests or charges that resulted in
25 orders of supervision for any other offenses shall
26 not be eligible for expungement until 2 years have

1 passed following the satisfactory termination of
2 the supervision.

3 (C) When the arrest or charge not initiated by
4 arrest sought to be expunged resulted in an order of
5 qualified probation, successfully completed by the
6 petitioner, such records shall not be eligible for
7 expungement until 5 years have passed following the
8 satisfactory termination of the probation.

9 (3) Those records maintained by the Department for
10 persons arrested prior to their 17th birthday shall be
11 expunged as provided in Section 5-915 of the Juvenile Court
12 Act of 1987.

13 (4) Whenever a person has been arrested for or
14 convicted of any offense, in the name of a person whose
15 identity he or she has stolen or otherwise come into
16 possession of, the aggrieved person from whom the identity
17 was stolen or otherwise obtained without authorization,
18 upon learning of the person having been arrested using his
19 or her identity, may, upon verified petition to the chief
20 judge of the circuit wherein the arrest was made, have a
21 court order entered nunc pro tunc by the Chief Judge to
22 correct the arrest record, conviction record, if any, and
23 all official records of the arresting authority, the
24 Department, other criminal justice agencies, the
25 prosecutor, and the trial court concerning such arrest, if
26 any, by removing his or her name from all such records in

1 connection with the arrest and conviction, if any, and by
2 inserting in the records the name of the offender, if known
3 or ascertainable, in lieu of the aggrieved's name. The
4 records of the circuit court clerk shall be sealed until
5 further order of the court upon good cause shown and the
6 name of the aggrieved person obliterated on the official
7 index required to be kept by the circuit court clerk under
8 Section 16 of the Clerks of Courts Act, but the order shall
9 not affect any index issued by the circuit court clerk
10 before the entry of the order. Nothing in this Section
11 shall limit the Department of State Police or other
12 criminal justice agencies or prosecutors from listing
13 under an offender's name the false names he or she has
14 used.

15 (5) Whenever a person has been convicted of criminal
16 sexual assault, aggravated criminal sexual assault,
17 predatory criminal sexual assault of a child, criminal
18 sexual abuse, or aggravated criminal sexual abuse, the
19 victim of that offense may request that the State's
20 Attorney of the county in which the conviction occurred
21 file a verified petition with the presiding trial judge at
22 the petitioner's trial to have a court order entered to
23 seal the records of the circuit court clerk in connection
24 with the proceedings of the trial court concerning that
25 offense. However, the records of the arresting authority
26 and the Department of State Police concerning the offense

1 shall not be sealed. The court, upon good cause shown,
2 shall make the records of the circuit court clerk in
3 connection with the proceedings of the trial court
4 concerning the offense available for public inspection.

5 (6) If a conviction has been set aside on direct review
6 or on collateral attack and the court determines by clear
7 and convincing evidence that the petitioner was factually
8 innocent of the charge, the court shall enter an
9 expungement order as provided in subsection (b) of Section
10 5-5-4 of the Unified Code of Corrections.

11 (7) Nothing in this Section shall prevent the
12 Department of State Police from maintaining all records of
13 any person who is admitted to probation upon terms and
14 conditions and who fulfills those terms and conditions
15 pursuant to Section 10 of the Cannabis Control Act, Section
16 410 of the Illinois Controlled Substances Act, Section 70
17 of the Methamphetamine Control and Community Protection
18 Act, Section 12-4.3 or subdivision (b)(1) of Section
19 12-3.05 of the Criminal Code of 1961, Section 10-102 of the
20 Illinois Alcoholism and Other Drug Dependency Act, Section
21 40-10 of the Alcoholism and Other Drug Abuse and Dependency
22 Act, or Section 10 of the Steroid Control Act.

23 (c) Sealing.

24 (1) Applicability. Notwithstanding any other provision
25 of this Act to the contrary, and cumulative with any rights
26 to expungement of criminal records, this subsection

1 authorizes the sealing of criminal records of adults and of
2 minors prosecuted as adults.

3 (2) Eligible Records. The following records may be
4 sealed:

5 (A) All arrests resulting in release without
6 charging;

7 (B) Arrests or charges not initiated by arrest
8 resulting in acquittal, dismissal, or conviction when
9 the conviction was reversed or vacated, except as
10 excluded by subsection (a) (3) (B);

11 (C) Arrests or charges not initiated by arrest
12 resulting in orders of supervision successfully
13 completed by the petitioner, unless excluded by
14 subsection (a) (3);

15 (D) Arrests or charges not initiated by arrest
16 resulting in convictions unless excluded by subsection
17 (a) (3);

18 (E) Arrests or charges not initiated by arrest
19 resulting in orders of first offender probation under
20 Section 10 of the Cannabis Control Act, Section 410 of
21 the Illinois Controlled Substances Act, or Section 70
22 of the Methamphetamine Control and Community
23 Protection Act; and

24 (F) Arrests or charges not initiated by arrest
25 resulting in Class 4 felony convictions for the
26 following offenses:

- 1 (i) Section 11-14 of the Criminal Code of 1961;
2 (ii) Section 4 of the Cannabis Control Act;
3 (iii) Section 402 of the Illinois Controlled
4 Substances Act;
5 (iv) the Methamphetamine Precursor Control
6 Act; and
7 (v) the Steroid Control Act.

8 (3) When Records Are Eligible to Be Sealed. Records
9 identified as eligible under subsection (c)(2) may be
10 sealed as follows:

11 (A) Records identified as eligible under
12 subsection (c)(2)(A) and (c)(2)(B) may be sealed at any
13 time.

14 (B) Records identified as eligible under
15 subsection (c)(2)(C) may be sealed (i) 3 years after
16 the termination of petitioner's last sentence (as
17 defined in subsection (a)(1)(F)) if the petitioner has
18 never been convicted of a criminal offense (as defined
19 in subsection (a)(1)(D)); or (ii) 4 years after the
20 termination of the petitioner's last sentence (as
21 defined in subsection (a)(1)(F)) if the petitioner has
22 ever been convicted of a criminal offense (as defined
23 in subsection (a)(1)(D)).

24 (C) Records identified as eligible under
25 subsections (c)(2)(D), (c)(2)(E), and (c)(2)(F) may be
26 sealed 4 years after the termination of the

1 petitioner's last sentence (as defined in subsection
2 (a) (1) (F)).

3 (D) Records identified in subsection
4 (a) (3) (A) (iii) may be sealed after the petitioner has
5 reached the age of 25 years.

6 (4) Subsequent felony convictions. A person may not
7 have subsequent felony conviction records sealed as
8 provided in this subsection (c) if he or she is convicted
9 of any felony offense after the date of the sealing of
10 prior felony convictions as provided in this subsection
11 (c). The court may, upon conviction for a subsequent felony
12 offense, order the unsealing of prior felony conviction
13 records previously ordered sealed by the court.

14 (5) Notice of eligibility for sealing. Upon entry of a
15 disposition for an eligible record under this subsection
16 (c), the petitioner shall be informed by the court of the
17 right to have the records sealed and the procedures for the
18 sealing of the records.

19 (d) Procedure. The following procedures apply to
20 expungement under subsections (b) and (e), and sealing under
21 subsection (c):

22 (1) Filing the petition. Upon becoming eligible to
23 petition for the expungement or sealing of records under
24 this Section, the petitioner shall file a petition
25 requesting the expungement or sealing of records with the
26 clerk of the court where the arrests occurred or the

1 charges were brought, or both. If arrests occurred or
2 charges were brought in multiple jurisdictions, a petition
3 must be filed in each such jurisdiction. The petitioner
4 shall pay the applicable fee, if not waived.

5 (2) Contents of petition. The petition shall be
6 verified and shall contain the petitioner's name, date of
7 birth, current address and, for each arrest or charge not
8 initiated by arrest sought to be sealed or expunged, the
9 case number, the date of arrest (if any), the identity of
10 the arresting authority, and such other information as the
11 court may require. During the pendency of the proceeding,
12 the petitioner shall promptly notify the circuit court
13 clerk of any change of his or her address.

14 (3) Drug test. The petitioner must attach to the
15 petition proof that the petitioner has passed a test taken
16 within 30 days before the filing of the petition showing
17 the absence within his or her body of all illegal
18 substances as defined by the Illinois Controlled
19 Substances Act, the Methamphetamine Control and Community
20 Protection Act, and the Cannabis Control Act if he or she
21 is petitioning to seal felony records pursuant to clause
22 (c) (2) (E) or (c) (2) (F) (ii)-(v) or if he or she is
23 petitioning to expunge felony records of a qualified
24 probation pursuant to clause (b) (1) (B) (iv).

25 (4) Service of petition. The circuit court clerk shall
26 promptly serve a copy of the petition on the State's

1 Attorney or prosecutor charged with the duty of prosecuting
2 the offense, the Department of State Police, the arresting
3 agency and the chief legal officer of the unit of local
4 government effecting the arrest.

5 (5) Objections.

6 (A) Any party entitled to notice of the petition
7 may file an objection to the petition. All objections
8 shall be in writing, shall be filed with the circuit
9 court clerk, and shall state with specificity the basis
10 of the objection.

11 (B) Objections to a petition to expunge or seal
12 must be filed within 60 days of the date of service of
13 the petition.

14 (6) Entry of order.

15 (A) The Chief Judge of the circuit wherein the
16 charge was brought, any judge of that circuit
17 designated by the Chief Judge, or in counties of less
18 than 3,000,000 inhabitants, the presiding trial judge
19 at the petitioner's trial, if any, shall rule on the
20 petition to expunge or seal as set forth in this
21 subsection (d) (6).

22 (B) Unless the State's Attorney or prosecutor, the
23 Department of State Police, the arresting agency, or
24 the chief legal officer files an objection to the
25 petition to expunge or seal within 60 days from the
26 date of service of the petition, the court shall enter

1 an order granting or denying the petition.

2 (7) Hearings. If an objection is filed, the court shall
3 set a date for a hearing and notify the petitioner and all
4 parties entitled to notice of the petition of the hearing
5 date at least 30 days prior to the hearing, and shall hear
6 evidence on whether the petition should or should not be
7 granted, and shall grant or deny the petition to expunge or
8 seal the records based on the evidence presented at the
9 hearing.

10 (8) Service of order. After entering an order to
11 expunge or seal records, the court must provide copies of
12 the order to the Department, in a form and manner
13 prescribed by the Department, to the petitioner, to the
14 State's Attorney or prosecutor charged with the duty of
15 prosecuting the offense, to the arresting agency, to the
16 chief legal officer of the unit of local government
17 effecting the arrest, and to such other criminal justice
18 agencies as may be ordered by the court.

19 (9) Effect of order.

20 (A) Upon entry of an order to expunge records
21 pursuant to (b) (2) (A) or (b) (2) (B) (ii), or both:

22 (i) the records shall be expunged (as defined
23 in subsection (a) (1) (E)) by the arresting agency,
24 the Department, and any other agency as ordered by
25 the court, within 60 days of the date of service of
26 the order, unless a motion to vacate, modify, or

1 reconsider the order is filed pursuant to
2 paragraph (12) of subsection (d) of this Section;

3 (ii) the records of the circuit court clerk
4 shall be impounded until further order of the court
5 upon good cause shown and the name of the
6 petitioner obliterated on the official index
7 required to be kept by the circuit court clerk
8 under Section 16 of the Clerks of Courts Act, but
9 the order shall not affect any index issued by the
10 circuit court clerk before the entry of the order;
11 and

12 (iii) in response to an inquiry for expunged
13 records, the court, the Department, or the agency
14 receiving such inquiry, shall reply as it does in
15 response to inquiries when no records ever
16 existed.

17 (B) Upon entry of an order to expunge records
18 pursuant to (b) (2) (B) (i) or (b) (2) (C), or both:

19 (i) the records shall be expunged (as defined
20 in subsection (a) (1) (E)) by the arresting agency
21 and any other agency as ordered by the court,
22 within 60 days of the date of service of the order,
23 unless a motion to vacate, modify, or reconsider
24 the order is filed pursuant to paragraph (12) of
25 subsection (d) of this Section;

26 (ii) the records of the circuit court clerk

1 shall be impounded until further order of the court
2 upon good cause shown and the name of the
3 petitioner obliterated on the official index
4 required to be kept by the circuit court clerk
5 under Section 16 of the Clerks of Courts Act, but
6 the order shall not affect any index issued by the
7 circuit court clerk before the entry of the order;

8 (iii) the records shall be impounded by the
9 Department within 60 days of the date of service of
10 the order as ordered by the court, unless a motion
11 to vacate, modify, or reconsider the order is filed
12 pursuant to paragraph (12) of subsection (d) of
13 this Section;

14 (iv) records impounded by the Department may
15 be disseminated by the Department only as required
16 by law or to the arresting authority, the State's
17 Attorney, and the court upon a later arrest for the
18 same or a similar offense or for the purpose of
19 sentencing for any subsequent felony, and to the
20 Department of Corrections upon conviction for any
21 offense; and

22 (v) in response to an inquiry for such records
23 from anyone not authorized by law to access such
24 records the court, the Department, or the agency
25 receiving such inquiry shall reply as it does in
26 response to inquiries when no records ever

1 existed.

2 (C) Upon entry of an order to seal records under
3 subsection (c), the arresting agency, any other agency
4 as ordered by the court, the Department, and the court
5 shall seal the records (as defined in subsection
6 (a) (1) (K)). In response to an inquiry for such records
7 from anyone not authorized by law to access such
8 records the court, the Department, or the agency
9 receiving such inquiry shall reply as it does in
10 response to inquiries when no records ever existed.

11 (10) Fees. The Department may charge the petitioner a
12 fee equivalent to the cost of processing any order to
13 expunge or seal records. Notwithstanding any provision of
14 the Clerks of Courts Act to the contrary, the circuit court
15 clerk may charge a fee equivalent to the cost associated
16 with the sealing or expungement of records by the circuit
17 court clerk. From the total filing fee collected for the
18 petition to seal or expunge, the circuit court clerk shall
19 deposit \$10 into the Circuit Court Clerk Operation and
20 Administrative Fund, to be used to offset the costs
21 incurred by the circuit court clerk in performing the
22 additional duties required to serve the petition to seal or
23 expunge on all parties. The circuit court clerk shall
24 collect and forward the Department of State Police portion
25 of the fee to the Department and it shall be deposited in
26 the State Police Services Fund.

1 (11) Final Order. No court order issued under the
2 expungement or sealing provisions of this Section shall
3 become final for purposes of appeal until 30 days after
4 service of the order on the petitioner and all parties
5 entitled to notice of the petition.

6 (12) Motion to Vacate, Modify, or Reconsider. The
7 petitioner or any party entitled to notice may file a
8 motion to vacate, modify, or reconsider the order granting
9 or denying the petition to expunge or seal within 60 days
10 of service of the order.

11 (e) Whenever a person who has been convicted of an offense
12 is granted a pardon by the Governor which specifically
13 authorizes expungement, he or she may, upon verified petition
14 to the Chief Judge of the circuit where the person had been
15 convicted, any judge of the circuit designated by the Chief
16 Judge, or in counties of less than 3,000,000 inhabitants, the
17 presiding trial judge at the defendant's trial, have a court
18 order entered expunging the record of arrest from the official
19 records of the arresting authority and order that the records
20 of the circuit court clerk and the Department be sealed until
21 further order of the court upon good cause shown or as
22 otherwise provided herein, and the name of the defendant
23 obliterated from the official index requested to be kept by the
24 circuit court clerk under Section 16 of the Clerks of Courts
25 Act in connection with the arrest and conviction for the
26 offense for which he or she had been pardoned but the order

1 shall not affect any index issued by the circuit court clerk
2 before the entry of the order. All records sealed by the
3 Department may be disseminated by the Department only as
4 required by law or to the arresting authority, the State's
5 Attorney, and the court upon a later arrest for the same or
6 similar offense or for the purpose of sentencing for any
7 subsequent felony. Upon conviction for any subsequent offense,
8 the Department of Corrections shall have access to all sealed
9 records of the Department pertaining to that individual. Upon
10 entry of the order of expungement, the circuit court clerk
11 shall promptly mail a copy of the order to the person who was
12 pardoned.

13 (f) Subject to available funding, the Illinois Department
14 of Corrections shall conduct a study of the impact of sealing,
15 especially on employment and recidivism rates, utilizing a
16 random sample of those who apply for the sealing of their
17 criminal records under Public Act 93-211. At the request of the
18 Illinois Department of Corrections, records of the Illinois
19 Department of Employment Security shall be utilized as
20 appropriate to assist in the study. The study shall not
21 disclose any data in a manner that would allow the
22 identification of any particular individual or employing unit.
23 The study shall be made available to the General Assembly no
24 later than September 1, 2010.

25 (Source: P.A. 96-409, eff. 1-1-10; 96-1401, eff. 7-29-10;
26 96-1532, eff. 1-1-12; 96-1551, Article 1, Section 905, eff.

1 7-1-11; 96-1551, Article 2, Section 925, eff. 7-1-11; 97-443,
2 eff. 8-19-11; revised 9-6-11.)".

3 Section 10. The Illinois Vehicle Code is amended by
4 changing Sections 6-205, 6-206, 6-208, and 6-303 as follows:

5 (625 ILCS 5/6-205)

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

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

12 1. Reckless homicide resulting from the operation of a
13 motor vehicle;

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

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

23 4. Violation of Section 11-401 of this Code relating to
24 the offense of leaving the scene of a traffic accident

1 involving death or personal injury;

2 5. Perjury or the making of a false affidavit or
3 statement under oath to the Secretary of State under this
4 Code or under any other law relating to the ownership or
5 operation of motor vehicles;

6 6. Conviction upon 3 charges of violation of Section
7 11-503 of this Code relating to the offense of reckless
8 driving committed within a period of 12 months;

9 7. Conviction of any offense defined in Section 4-102
10 of this Code;

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

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

14 10. Violation of Section 12-5 of the Criminal Code of
15 1961 arising from the use of a motor vehicle;

16 11. Violation of Section 11-204.1 of this Code relating
17 to aggravated fleeing or attempting to elude a peace
18 officer;

19 12. Violation of paragraph (1) of subsection (b) of
20 Section 6-507, or a similar law of any other state,
21 relating to the unlawful operation of a commercial motor
22 vehicle;

23 13. Violation of paragraph (a) of Section 11-502 of
24 this Code or a similar provision of a local ordinance if
25 the driver has been previously convicted of a violation of
26 that Section or a similar provision of a local ordinance

1 and the driver was less than 21 years of age at the time of
2 the offense;

3 14. Violation of paragraph (a) of Section 11-506 of
4 this Code or a similar provision of a local ordinance
5 relating to the offense of street racing;

6 15. A second or subsequent conviction of driving while
7 the person's driver's license, permit or privileges was
8 revoked for reckless homicide or a similar out-of-state
9 offense;

10 16. Any offense against any provision in this Code, or
11 any local ordinance, regulating the movement of traffic
12 when that offense was the proximate cause of the death of
13 any person. Any person whose driving privileges have been
14 revoked pursuant to this paragraph may seek to have the
15 revocation terminated or to have the length of revocation
16 reduced by requesting an administrative hearing with the
17 Secretary of State prior to the projected driver's license
18 application eligibility date.

19 (b) The Secretary of State shall also immediately revoke
20 the license or permit of any driver in the following
21 situations:

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

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

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

17 (c) (1) Whenever a person is convicted of any of the
18 offenses enumerated in this Section, the court may recommend
19 and the Secretary of State in his discretion, without regard to
20 whether the recommendation is made by the court may, upon
21 application, issue to the person a restricted driving permit
22 granting the privilege of driving a motor vehicle between the
23 petitioner's residence and petitioner's place of employment or
24 within the scope of the petitioner's employment related duties,
25 or to allow the petitioner to transport himself or herself or a
26 family member of the petitioner's household to a medical

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

21 (1.5) If a person is convicted of a combination of 4 or
22 more offenses which include a violation of Section 11-501
23 of this Code or a similar provision of a local ordinance,
24 Section 11-401 of this Code, or Section 9-3 of the Criminal
25 Code of 1961, or a combination of violations of similar
26 provisions of local ordinances, similar out-of-state

1 offenses, or similar offenses committed on a military
2 installation, the person may make application for a
3 restricted driving permit, at a formal hearing conducted
4 under Section 2-118 of this Code, after the expiration of 3
5 years from the effective date of the most recent
6 revocation, provided the person, in addition to all other
7 requirements of the Secretary, shows by clear and
8 convincing evidence:

9 (A) a minimum 3 years of uninterrupted abstinence
10 from alcohol, other drug or drugs, intoxicating
11 compound or compounds, or any combination thereof; and

12 (B) the successful completion of all
13 rehabilitative activity recommended by a properly
14 licensed service provider, pursuant to an assessment
15 of the person's alcohol or drug use and mental health.

16 In determining whether an applicant is eligible for a
17 restricted driving permit under this subparagraph (1.5),
18 the Secretary may consider any relevant evidence,
19 including but not limited to testimony, affidavits,
20 records, and the results of regular alcohol or drug tests.

21 A restricted driving permit issued under this
22 subparagraph (1.5) shall provide that the holder may only
23 operate vehicles equipped with an interlock ignition
24 device. The Secretary may cancel a restricted driving
25 permit or amend the conditions of a restricted driving
26 permit issued under this subparagraph (1.5) if the holder

1 operates a vehicle that is not equipped with an interlock
2 ignition device, or for any other reason authorized under
3 this Code.

4 (2) If a person's license or permit is revoked or
5 suspended due to 2 or more convictions of violating Section
6 11-501 of this Code or a similar provision of a local
7 ordinance or a similar out-of-state offense, or Section 9-3
8 of the Criminal Code of 1961, where the use of alcohol or
9 other drugs is recited as an element of the offense, or a
10 similar out-of-state offense, or a combination of these
11 offenses, arising out of separate occurrences, that
12 person, if issued a restricted driving permit, may not
13 operate a vehicle unless it has been equipped with an
14 ignition interlock device as defined in Section 1-129.1.

15 (3) If:

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

19 (i) a single conviction of violating Section
20 11-501 of this Code or a similar provision of a
21 local ordinance or a similar out-of-state offense,
22 or Section 9-3 of the Criminal Code of 1961, where
23 the use of alcohol or other drugs is recited as an
24 element of the offense, or a similar out-of-state
25 offense; or

26 (ii) a statutory summary suspension or

1 revocation under Section 11-501.1; or

2 (iii) a suspension pursuant to Section
3 6-203.1;

4 arising out of separate occurrences; or

5 (B) a person has been convicted of one violation of
6 Section 6-303 of this Code committed while his or her
7 driver's license, permit, or privilege was revoked
8 because of a violation of Section 9-3 of the Criminal
9 Code of 1961, relating to the offense of reckless
10 homicide where the use of alcohol or other drugs was
11 recited as an element of the offense, or a similar
12 provision of a law of another state;

13 that person, if issued a restricted driving permit, may not
14 operate a vehicle unless it has been equipped with an
15 ignition interlock device as defined in Section 1-129.1.

16 (4) The person issued a permit conditioned on the use
17 of an ignition interlock device must pay to the Secretary
18 of State DUI Administration Fund an amount not to exceed
19 \$30 per month. The Secretary shall establish by rule the
20 amount and the procedures, terms, and conditions relating
21 to these fees.

22 (5) If the restricted driving permit is issued for
23 employment purposes, then the prohibition against
24 operating a motor vehicle that is not equipped with an
25 ignition interlock device does not apply to the operation
26 of an occupational vehicle owned or leased by that person's

1 employer when used solely for employment purposes.

2 (6) In each case the Secretary of State may issue a
3 restricted driving permit for a period he deems
4 appropriate, except that the permit shall expire within one
5 year from the date of issuance. The Secretary may not,
6 however, issue a restricted driving permit to any person
7 whose current revocation is the result of a second or
8 subsequent conviction for a violation of Section 11-501 of
9 this Code or a similar provision of a local ordinance or
10 any similar out-of-state offense, or Section 9-3 of the
11 Criminal Code of 1961, where the use of alcohol or other
12 drugs is recited as an element of the offense, or any
13 similar out-of-state offense, or any combination of these
14 offenses, until the expiration of at least one year from
15 the date of the revocation. A restricted driving permit
16 issued under this Section shall be subject to cancellation,
17 revocation, and suspension by the Secretary of State in
18 like manner and for like cause as a driver's license issued
19 under this Code may be cancelled, revoked, or suspended;
20 except that a conviction upon one or more offenses against
21 laws or ordinances regulating the movement of traffic shall
22 be deemed sufficient cause for the revocation, suspension,
23 or cancellation of a restricted driving permit. The
24 Secretary of State may, as a condition to the issuance of a
25 restricted driving permit, require the petitioner to
26 participate in a designated driver remedial or

1 rehabilitative program. The Secretary of State is
2 authorized to cancel a restricted driving permit if the
3 permit holder does not successfully complete the program.
4 However, if an individual's driving privileges have been
5 revoked in accordance with paragraph 13 of subsection (a)
6 of this Section, no restricted driving permit shall be
7 issued until the individual has served 6 months of the
8 revocation period.

9 (c-5) (Blank).

10 (c-6) If a person is convicted of a second violation of
11 operating a motor vehicle while the person's driver's license,
12 permit or privilege was revoked, where the revocation was for a
13 violation of Section 9-3 of the Criminal Code of 1961 relating
14 to the offense of reckless homicide or a similar out-of-state
15 offense, the person's driving privileges shall be revoked
16 pursuant to subdivision (a)(15) of this Section. The person may
17 not make application for a license or permit until the
18 expiration of five years from the effective date of the
19 revocation or the expiration of five years from the date of
20 release from a term of imprisonment, whichever is later.

21 (c-7) If a person is convicted of a third or subsequent
22 violation of operating a motor vehicle while the person's
23 driver's license, permit or privilege was revoked, where the
24 revocation was for a violation of Section 9-3 of the Criminal
25 Code of 1961 relating to the offense of reckless homicide or a
26 similar out-of-state offense, the person may never apply for a

1 license or permit.

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 or revocation
15 under Section 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. 96-328, eff. 8-11-09; 96-607, eff. 8-24-09;
26 96-1180, eff. 1-1-11; 96-1305, eff. 1-1-11; 96-1344, eff.

1 7-1-11; 97-333, eff. 8-12-11.)

2 (625 ILCS 5/6-206)

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

5 (a) The Secretary of State is authorized to suspend or
6 revoke the driving privileges of any person without preliminary
7 hearing upon a showing of the person's records or other
8 sufficient evidence that the person:

9 1. Has committed an offense for which mandatory
10 revocation of a driver's license or permit is required upon
11 conviction;

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

17 3. Has been repeatedly involved as a driver in motor
18 vehicle collisions or has been repeatedly convicted of
19 offenses against laws and ordinances regulating the
20 movement of traffic, to a degree that indicates lack of
21 ability to exercise ordinary and reasonable care in the
22 safe operation of a motor vehicle or disrespect for the
23 traffic laws and the safety of other persons upon the
24 highway;

25 4. Has by the unlawful operation of a motor vehicle

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

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

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

17 7. Has refused or failed to submit to an examination
18 provided for by Section 6-207 or has failed to pass the
19 examination;

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

22 9. Has made a false statement or knowingly concealed a
23 material fact or has used false information or
24 identification in any application for a license,
25 identification card, or permit;

26 10. Has possessed, displayed, or attempted to

1 fraudulently use any license, identification card, or
2 permit not issued to the person;

3 11. Has operated a motor vehicle upon a highway of this
4 State when the person's driving privilege or privilege to
5 obtain a driver's license or permit was revoked or
6 suspended unless the operation was authorized by a
7 monitoring device driving permit, judicial driving permit
8 issued prior to January 1, 2009, probationary license to
9 drive, or a restricted driving permit issued under this
10 Code;

11 12. Has submitted to any portion of the application
12 process for another person or has obtained the services of
13 another person to submit to any portion of the application
14 process for the purpose of obtaining a license,
15 identification card, or permit for some other person;

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

19 14. Has committed a violation of Section 6-301,
20 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B
21 of the Illinois Identification Card Act;

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

26 16. Has been convicted of violating Section 11-204 of

1 this Code relating to fleeing from a peace officer;

2 17. Has refused to submit to a test, or tests, as
3 required under Section 11-501.1 of this Code and the person
4 has not sought a hearing as provided for in Section
5 11-501.1;

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

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

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

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

18 22. Has used a motor vehicle in violating paragraph
19 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
20 the Criminal Code of 1961 relating to unlawful use of
21 weapons, in which case the suspension shall be for one
22 year;

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

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

7 25. Has permitted any form of identification to be used
8 by another in the application process in order to obtain or
9 attempt to obtain a license, identification card, or
10 permit;

11 26. Has altered or attempted to alter a license or has
12 possessed an altered license, identification card, or
13 permit;

14 27. Has violated Section 6-16 of the Liquor Control Act
15 of 1934;

16 28. Has been convicted of the illegal possession, while
17 operating or in actual physical control, as a driver, of a
18 motor vehicle, of any controlled substance prohibited
19 under the Illinois Controlled Substances Act, any cannabis
20 prohibited under the Cannabis Control Act, or any
21 methamphetamine prohibited under the Methamphetamine
22 Control and Community Protection Act, in which case the
23 person's driving privileges shall be suspended for one
24 year, and any driver who is convicted of a second or
25 subsequent offense, within 5 years of a previous
26 conviction, for the illegal possession, while operating or

1 in actual physical control, as a driver, of a motor
2 vehicle, of any controlled substance prohibited under the
3 Illinois Controlled Substances Act, any cannabis
4 prohibited under the Cannabis Control Act, or any
5 methamphetamine prohibited under the Methamphetamine
6 Control and Community Protection Act shall be suspended for
7 5 years. Any defendant found guilty of this offense while
8 operating a motor vehicle, shall have an entry made in the
9 court record by the presiding judge that this offense did
10 occur while the defendant was operating a motor vehicle and
11 order the clerk of the court to report the violation to the
12 Secretary of State;

13 29. Has been convicted of the following offenses that
14 were committed while the person was operating or in actual
15 physical control, as a driver, of a motor vehicle: criminal
16 sexual assault, predatory criminal sexual assault of a
17 child, aggravated criminal sexual assault, criminal sexual
18 abuse, aggravated criminal sexual abuse, juvenile pimping,
19 soliciting for a juvenile prostitute, promoting juvenile
20 prostitution as described in subdivision (a)(1), (a)(2),
21 or (a)(3) of Section 11-14.4 of the Criminal Code of 1961,
22 and the manufacture, sale or delivery of controlled
23 substances or instruments used for illegal drug use or
24 abuse in which case the driver's driving privileges shall
25 be suspended for one year;

26 30. Has been convicted a second or subsequent time for

1 any combination of the offenses named in paragraph 29 of
2 this subsection, in which case the person's driving
3 privileges shall be suspended for 5 years;

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

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

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

24 34. Has committed a violation of Section 11-1301.5 of
25 this Code;

26 35. Has committed a violation of Section 11-1301.6 of

1 this Code;

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

8 37. Has committed a violation of subsection (c) of
9 Section 11-907 of this Code that resulted in damage to the
10 property of another or the death or injury of another;

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

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

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

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

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

25 43. Has received a disposition of court supervision for
26 a violation of subsection (a), (d), or (e) of Section 6-20

1 of the Liquor Control Act of 1934 or a similar provision of
2 a local ordinance, in which case the suspension shall be
3 for a period of 3 months;

4 44. Is under the age of 21 years at the time of arrest
5 and has been convicted of an offense against traffic
6 regulations governing the movement of vehicles after
7 having previously had his or her driving privileges
8 suspended or revoked pursuant to subparagraph 36 of this
9 Section; or

10 45. Has, in connection with or during the course of a
11 formal hearing conducted under Section 2-118 of this Code:
12 (i) committed perjury; (ii) submitted fraudulent or
13 falsified documents; (iii) submitted documents that have
14 been materially altered; or (iv) submitted, as his or her
15 own, documents that were in fact prepared or composed for
16 another person.

17 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,
18 and 27 of this subsection, license means any driver's license,
19 any traffic ticket issued when the person's driver's license is
20 deposited in lieu of bail, a suspension notice issued by the
21 Secretary of State, a duplicate or corrected driver's license,
22 a probationary driver's license or a temporary driver's
23 license.

24 (b) If any conviction forming the basis of a suspension or
25 revocation authorized under this Section is appealed, the
26 Secretary of State may rescind or withhold the entry of the

1 order of suspension or revocation, as the case may be, provided
2 that a certified copy of a stay order of a court is filed with
3 the Secretary of State. If the conviction is affirmed on
4 appeal, the date of the conviction shall relate back to the
5 time the original judgment of conviction was entered and the 6
6 month limitation prescribed shall not apply.

7 (c) 1. Upon suspending or revoking the driver's license or
8 permit of any person as authorized in this Section, the
9 Secretary of State shall immediately notify the person in
10 writing of the revocation or suspension. The notice to be
11 deposited in the United States mail, postage prepaid, to the
12 last known address of the person.

13 2. If the Secretary of State suspends the driver's
14 license of a person under subsection 2 of paragraph (a) of
15 this Section, a person's privilege to operate a vehicle as
16 an occupation shall not be suspended, provided an affidavit
17 is properly completed, the appropriate fee received, and a
18 permit issued prior to the effective date of the
19 suspension, unless 5 offenses were committed, at least 2 of
20 which occurred while operating a commercial vehicle in
21 connection with the driver's regular occupation. All other
22 driving privileges shall be suspended by the Secretary of
23 State. Any driver prior to operating a vehicle for
24 occupational purposes only must submit the affidavit on
25 forms to be provided by the Secretary of State setting
26 forth the facts of the person's occupation. The affidavit

1 shall also state the number of offenses committed while
2 operating a vehicle in connection with the driver's regular
3 occupation. The affidavit shall be accompanied by the
4 driver's license. Upon receipt of a properly completed
5 affidavit, the Secretary of State shall issue the driver a
6 permit to operate a vehicle in connection with the driver's
7 regular occupation only. Unless the permit is issued by the
8 Secretary of State prior to the date of suspension, the
9 privilege to drive any motor vehicle shall be suspended as
10 set forth in the notice that was mailed under this Section.
11 If an affidavit is received subsequent to the effective
12 date of this suspension, a permit may be issued for the
13 remainder of the suspension period.

14 The provisions of this subparagraph shall not apply to
15 any driver required to possess a CDL for the purpose of
16 operating a commercial motor vehicle.

17 Any person who falsely states any fact in the affidavit
18 required herein shall be guilty of perjury under Section
19 6-302 and upon conviction thereof shall have all driving
20 privileges revoked without further rights.

21 3. At the conclusion of a hearing under Section 2-118
22 of this Code, the Secretary of State shall either rescind
23 or continue an order of revocation or shall substitute an
24 order of suspension; or, good cause appearing therefor,
25 rescind, continue, change, or extend the order of
26 suspension. If the Secretary of State does not rescind the

1 order, the Secretary may upon application, to relieve undue
2 hardship (as defined by the rules of the Secretary of
3 State), issue a restricted driving permit granting the
4 privilege of driving a motor vehicle between the
5 petitioner's residence and petitioner's place of
6 employment or within the scope of the petitioner's
7 employment related duties, or to allow the petitioner to
8 transport himself or herself, or a family member of the
9 petitioner's household to a medical facility, to receive
10 necessary medical care, to allow the petitioner to
11 transport himself or herself to and from alcohol or drug
12 remedial or rehabilitative activity recommended by a
13 licensed service provider, or to allow the petitioner to
14 transport himself or herself or a family member of the
15 petitioner's household to classes, as a student, at an
16 accredited educational institution, or to allow the
17 petitioner to transport children, elderly persons, or
18 disabled persons who do not hold driving privileges and are
19 living in the petitioner's household to and from daycare.
20 The petitioner must demonstrate that no alternative means
21 of transportation is reasonably available and that the
22 petitioner will not endanger the public safety or welfare.
23 ~~Those multiple offenders identified in subdivision (b)4 of~~
24 ~~Section 6-208 of this Code, however, shall not be eligible~~
25 ~~for the issuance of a restricted driving permit.~~

26 (A) If a person's license or permit is revoked or

1 suspended due to 2 or more convictions of violating
2 Section 11-501 of this Code or a similar provision of a
3 local ordinance or a similar out-of-state offense, or
4 Section 9-3 of the Criminal Code of 1961, where the use
5 of alcohol or other drugs is recited as an element of
6 the offense, or a similar out-of-state offense, or a
7 combination of these offenses, arising out of separate
8 occurrences, that person, if issued a restricted
9 driving permit, may not operate a vehicle unless it has
10 been equipped with an ignition interlock device as
11 defined in Section 1-129.1.

12 (B) If a person's license or permit is revoked or
13 suspended 2 or more times within a 10 year period due
14 to any combination of:

15 (i) a single conviction of violating Section
16 11-501 of this Code or a similar provision of a
17 local ordinance or a similar out-of-state offense
18 or Section 9-3 of the Criminal Code of 1961, where
19 the use of alcohol or other drugs is recited as an
20 element of the offense, or a similar out-of-state
21 offense; or

22 (ii) a statutory summary suspension or
23 revocation under Section 11-501.1; or

24 (iii) a suspension under Section 6-203.1;
25 arising out of separate occurrences; that person, if
26 issued a restricted driving permit, may not operate a

1 vehicle unless it has been equipped with an ignition
2 interlock device as defined in Section 1-129.1.

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

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

16 (E) In each case the Secretary may issue a
17 restricted driving permit for a period deemed
18 appropriate, except that all permits shall expire
19 within one year from the date of issuance. The
20 Secretary may not, however, issue a restricted driving
21 permit to any person whose current revocation is the
22 result of a second or subsequent conviction for a
23 violation of Section 11-501 of this Code or a similar
24 provision of a local ordinance or any similar
25 out-of-state offense, or Section 9-3 of the Criminal
26 Code of 1961, where the use of alcohol or other drugs

1 is recited as an element of the offense, or any similar
2 out-of-state offense, or any combination of those
3 offenses, until the expiration of at least one year
4 from the date of the revocation. A restricted driving
5 permit issued under this Section shall be subject to
6 cancellation, revocation, and suspension by the
7 Secretary of State in like manner and for like cause as
8 a driver's license issued under this Code may be
9 cancelled, revoked, or suspended; except that a
10 conviction upon one or more offenses against laws or
11 ordinances regulating the movement of traffic shall be
12 deemed sufficient cause for the revocation,
13 suspension, or cancellation of a restricted driving
14 permit. The Secretary of State may, as a condition to
15 the issuance of a restricted driving permit, require
16 the applicant to participate in a designated driver
17 remedial or rehabilitative program. The Secretary of
18 State is authorized to cancel a restricted driving
19 permit if the permit holder does not successfully
20 complete the program.

21 (F) If a person is convicted of a combination of 4
22 or more offenses which include a violation of Section
23 11-501 of this Code or a similar provision of a local
24 ordinance, Section 11-401 of this Code, or Section 9-3
25 of the Criminal Code of 1961, or a combination of
26 violations of similar provisions of local ordinances,

1 similar out-of-state offenses, or similar offenses
2 committed on a military installation, the person may
3 make application for a restricted driving permit, at a
4 formal hearing conducted under Section 2-118 of this
5 Code, after the expiration of 3 years from the
6 effective date of the most recent revocation, provided
7 the person, in addition to all other requirements of
8 the Secretary, shows by clear and convincing evidence:

9 (i) a minimum 3 years of uninterrupted
10 abstinence from alcohol, other drug or drugs,
11 intoxicating compound or compounds, or any
12 combination thereof; and

13 (ii) the successful completion of all
14 rehabilitative activity recommended by a properly
15 licensed service provider, pursuant to an
16 assessment of the person's alcohol or drug use and
17 mental health.

18 In determining whether an applicant is eligible
19 for a restricted driving permit under this
20 subparagraph (F), the Secretary may consider any
21 relevant evidence, including but not limited to
22 testimony, affidavits, records, and the results of
23 regular alcohol or drug tests.

24 A restricted driving permit issued under this
25 subparagraph (F) shall provide that the holder may only
26 operate vehicles equipped with an interlock ignition

1 device. The Secretary may cancel a restricted driving
2 permit or amend the conditions of a restricted driving
3 permit issued under this subparagraph (F) if the holder
4 operates a vehicle that is not equipped with an
5 interlock ignition device, or for any other reason
6 authorized under this Code.

7 (c-3) In the case of a suspension under paragraph 43 of
8 subsection (a), reports received by the Secretary of State
9 under this Section shall, except during the actual time the
10 suspension is in effect, be privileged information and for use
11 only by the courts, police officers, prosecuting authorities,
12 the driver licensing administrator of any other state, the
13 Secretary of State, or the parent or legal guardian of a driver
14 under the age of 18. However, beginning January 1, 2008, if the
15 person is a CDL holder, the suspension shall also be made
16 available to the driver licensing administrator of any other
17 state, the U.S. Department of Transportation, and the affected
18 driver or motor carrier or prospective motor carrier upon
19 request.

20 (c-4) In the case of a suspension under paragraph 43 of
21 subsection (a), the Secretary of State shall notify the person
22 by mail that his or her driving privileges and driver's license
23 will be suspended one month after the date of the mailing of
24 the notice.

25 (c-5) The Secretary of State may, as a condition of the
26 reissuance of a driver's license or permit to an applicant

1 whose driver's license or permit has been suspended before he
2 or she reached the age of 21 years pursuant to any of the
3 provisions of this Section, require the applicant to
4 participate in a driver remedial education course and be
5 retested under Section 6-109 of this Code.

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

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

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

17 (Source: P.A. 96-328, eff. 8-11-09; 96-607, eff. 8-24-09;
18 96-1180, eff. 1-1-11; 96-1305, eff. 1-1-11; 96-1344, eff.
19 7-1-11; 96-1551, eff. 7-1-11; 97-229, eff. 7-28-11; 97-333,
20 eff. 8-12-11; revised 9-15-11.)

21 (625 ILCS 5/6-208) (from Ch. 95 1/2, par. 6-208)

22 Sec. 6-208. Period of Suspension - Application After
23 Revocation.

24 (a) Except as otherwise provided by this Code or any other
25 law of this State, the Secretary of State shall not suspend a

1 driver's license, permit, or privilege to drive a motor vehicle
2 on the highways for a period of more than one year.

3 (b) Any person whose license, permit, or privilege to drive
4 a motor vehicle on the highways has been revoked shall not be
5 entitled to have such license, permit, or privilege renewed or
6 restored. However, such person may, except as provided under
7 subsections (d) and (d-5) of Section 6-205, make application
8 for a license pursuant to Section 6-106 (i) if the revocation
9 was for a cause that has been removed or (ii) as provided in
10 the following subparagraphs:

11 1. Except as provided in subparagraphs 1.5, 2, 3, 4,
12 and 5, the person may make application for a license (A)
13 after the expiration of one year from the effective date of
14 the revocation, (B) in the case of a violation of paragraph
15 (b) of Section 11-401 of this Code or a similar provision
16 of a local ordinance, after the expiration of 3 years from
17 the effective date of the revocation, or (C) in the case of
18 a violation of Section 9-3 of the Criminal Code of 1961 or
19 a similar provision of a law of another state relating to
20 the offense of reckless homicide or a violation of
21 subparagraph (F) of paragraph 1 of subsection (d) of
22 Section 11-501 of this Code relating to aggravated driving
23 under the influence of alcohol, other drug or drugs,
24 intoxicating compound or compounds, or any combination
25 thereof, if the violation was the proximate cause of a
26 death, after the expiration of 2 years from the effective

1 date of the revocation or after the expiration of 24 months
2 from the date of release from a period of imprisonment as
3 provided in Section 6-103 of this Code, whichever is later.

4 1.5. If the person is convicted of a violation of
5 Section 6-303 of this Code committed while his or her
6 driver's license, permit, or privilege was revoked because
7 of a violation of Section 9-3 of the Criminal Code of 1961,
8 relating to the offense of reckless homicide, or a similar
9 provision of a law of another state, the person may not
10 make application for a license or permit until the
11 expiration of 3 years from the date of the conviction.

12 2. If such person is convicted of committing a second
13 violation within a 20-year period of:

14 (A) Section 11-501 of this Code or a similar
15 provision of a local ordinance;

16 (B) Paragraph (b) of Section 11-401 of this Code or
17 a similar provision of a local ordinance;

18 (C) Section 9-3 of the Criminal Code of 1961,
19 relating to the offense of reckless homicide; or

20 (D) any combination of the above offenses
21 committed at different instances;

22 then such person may not make application for a license
23 until after the expiration of 5 years from the effective
24 date of the most recent revocation. The 20-year period
25 shall be computed by using the dates the offenses were
26 committed and shall also include similar out-of-state

1 offenses and similar offenses committed on a military
2 installation.

3 2.5. If a person is convicted of a second violation of
4 Section 6-303 of this Code committed while the person's
5 driver's license, permit, or privilege was revoked because
6 of a violation of Section 9-3 of the Criminal Code of 1961,
7 relating to the offense of reckless homicide, or a similar
8 provision of a law of another state, the person may not
9 make application for a license or permit until the
10 expiration of 5 years from the date of release from a term
11 of imprisonment.

12 3. However, except as provided in subparagraph 4, if
13 such person is convicted of committing a third ~~or~~
14 ~~subsequent~~ violation or any combination of the above
15 offenses, including similar out-of-state offenses and
16 similar offenses committed on a military installation,
17 contained in subparagraph 2, then such person may not make
18 application for a license until after the expiration of 10
19 years from the effective date of the most recent
20 revocation.

21 4. Except as provided in subparagraph (c)(1.5) of
22 Section 6-205 and subparagraph (c)(3)(F) of Section 6-206
23 of this Code, the ~~The~~ person may not make application for a
24 license if the person is convicted of committing a fourth
25 or subsequent violation of Section 11-501 of this Code or a
26 similar provision of a local ordinance, Section 11-401 of

1 this Code, Section 9-3 of the Criminal Code of 1961, or a
2 combination of these offenses, similar provisions of local
3 ordinances, similar out-of-state offenses, or similar
4 offenses committed on a military installation.

5 5. The person may not make application for a license or
6 permit if the person is convicted of a third or subsequent
7 violation of Section 6-303 of this Code committed while his
8 or her driver's license, permit, or privilege was revoked
9 because of a violation of Section 9-3 of the Criminal Code
10 of 1961, relating to the offense of reckless homicide, or a
11 similar provision of a law of another state.

12 Notwithstanding any other provision of this Code, all
13 persons referred to in this paragraph (b) may not have their
14 privileges restored until the Secretary receives payment of the
15 required reinstatement fee pursuant to subsection (b) of
16 Section 6-118.

17 In no event shall the Secretary issue such license unless
18 and until such person has had a hearing pursuant to this Code
19 and the appropriate administrative rules and the Secretary is
20 satisfied, after a review or investigation of such person, that
21 to grant the privilege of driving a motor vehicle on the
22 highways will not endanger the public safety or welfare.

23 (c) (Blank).

24 (Source: P.A. 95-331, eff. 8-21-07; 95-355, eff. 1-1-08;
25 95-377, eff. 1-1-08; 95-876, eff. 8-21-08; 96-607, eff.
26 8-24-09.)

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

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

4 (a) Except as otherwise provided in subsection (a-5), any
5 person who drives or is in actual physical control of a motor
6 vehicle on any highway of this State at a time when such
7 person's driver's license, permit or privilege to do so or the
8 privilege to obtain a driver's license or permit is revoked or
9 suspended as provided by this Code or the law of another state,
10 except as may be specifically allowed by a judicial driving
11 permit issued prior to January 1, 2009, monitoring device
12 driving permit, family financial responsibility driving
13 permit, probationary license to drive, or a restricted driving
14 permit issued pursuant to this Code or under the law of another
15 state, shall be guilty of a Class A misdemeanor.

16 (a-5) Any person who violates this Section as provided in
17 subsection (a) while his or her driver's license, permit or
18 privilege is revoked because of a violation of Section 9-3 of
19 the Criminal Code of 1961, relating to the offense of reckless
20 homicide or a similar provision of a law of another state, is
21 guilty of a Class 4 felony. The person shall be required to
22 undergo a professional evaluation, as provided in Section
23 11-501 of this Code, to determine if an alcohol, drug, or
24 intoxicating compound problem exists and the extent of the
25 problem, and to undergo the imposition of treatment as

1 appropriate.

2 (b) (Blank).

3 (b-1) Upon receiving a report of the conviction of any
4 violation indicating a person was operating a motor vehicle
5 during the time when the person's driver's license, permit or
6 privilege was suspended by the Secretary of State or the
7 driver's licensing administrator of another state, except as
8 specifically allowed by a probationary license, judicial
9 driving permit, restricted driving permit or monitoring device
10 driving permit the Secretary shall extend the suspension for
11 the same period of time as the originally imposed suspension
12 unless the suspension has already expired, in which case the
13 Secretary shall be authorized to suspend the person's driving
14 privileges for the same period of time as the originally
15 imposed suspension.

16 (b-2) Except as provided in subsection (b-6), upon
17 receiving a report of the conviction of any violation
18 indicating a person was operating a motor vehicle when the
19 person's driver's license, permit or privilege was revoked by
20 the Secretary of State or the driver's license administrator of
21 any other state, except as specifically allowed by a restricted
22 driving permit issued pursuant to this Code or the law of
23 another state, the Secretary shall not issue a driver's license
24 for an additional period of one year from the date of such
25 conviction indicating such person was operating a vehicle
26 during such period of revocation.

1 (b-3) (Blank).

2 (b-4) When the Secretary of State receives a report of a
3 conviction of any violation indicating a person was operating a
4 motor vehicle that was not equipped with an ignition interlock
5 device during a time when the person was prohibited from
6 operating a motor vehicle not equipped with such a device, the
7 Secretary shall not issue a driver's license to that person for
8 an additional period of one year from the date of the
9 conviction.

10 (b-5) Any person convicted of violating this Section shall
11 serve a minimum term of imprisonment of 30 consecutive days or
12 300 hours of community service when the person's driving
13 privilege was revoked or suspended as a result of a violation
14 of Section 9-3 of the Criminal Code of 1961, as amended,
15 relating to the offense of reckless homicide, or a similar
16 provision of a law of another state.

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

25 (c) Except as provided in subsections (c-3) and (c-4), any
26 person convicted of violating this Section shall serve a

1 minimum term of imprisonment of 10 consecutive days or 30 days
2 of community service when the person's driving privilege was
3 revoked or suspended as a result of:

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

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

13 (3) a statutory summary suspension or revocation under
14 Section 11-501.1 of this Code.

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

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

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

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

26 (2) Immobilization of the person's vehicle for a period

1 of time to be determined by the court.

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

7 (c-4) Any person who has been issued a MDDP or a restricted
8 driving permit which requires the person to operate only motor
9 vehicles equipped with ignition interlock devices and who is
10 convicted of a violation of this Section as a result of
11 operating or being in actual physical control of a motor
12 vehicle not equipped with an ignition interlock device at the
13 time of the offense shall be guilty of a Class 4 felony and
14 shall serve a minimum term of imprisonment of 30 days.

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

22 (d) Any person convicted of a second violation of this
23 Section shall be guilty of a Class 4 felony and shall serve a
24 minimum term of imprisonment of 30 days or 300 hours of
25 community service, as determined by the court, if the original
26 revocation or suspension was for a violation of Section 11-401

1 or 11-501 of this Code, or a similar out-of-state offense, or a
2 similar provision of a local ordinance, or a statutory summary
3 suspension or revocation under Section 11-501.1 of this Code.

4 (d-1) Except as provided in subsections (d-2), (d-2.5), and
5 (d-3), any person convicted of a third or subsequent violation
6 of this Section shall serve a minimum term of imprisonment of
7 30 days or 300 hours of community service, as determined by the
8 court.

9 (d-2) Any person convicted of a third violation of this
10 Section is guilty of a Class 4 felony and must serve a minimum
11 term of imprisonment of 30 days if the revocation or suspension
12 was for a violation of Section 11-401 or 11-501 of this Code,
13 or a similar out-of-state offense, or a similar provision of a
14 local ordinance, or a statutory summary suspension or
15 revocation under Section 11-501.1 of this Code.

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

24 (d-3) Any person convicted of a fourth, fifth, sixth,
25 seventh, eighth, or ninth violation of this Section is guilty
26 of a Class 4 felony and must serve a minimum term of

1 imprisonment of 180 days if the revocation or suspension was
2 for a violation of Section 11-401 or 11-501 of this Code, or a
3 similar out-of-state offense, or a similar provision of a local
4 ordinance, or a statutory summary suspension or revocation
5 under Section 11-501.1 of this Code.

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

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

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

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

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

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

15 (g) The motor vehicle used in a violation of this Section
16 is subject to seizure and forfeiture as provided in Sections
17 36-1 and 36-2 of the Criminal Code of 1961 if the person's
18 driving privilege was revoked or suspended as a result of a
19 violation listed in paragraph (1) or (2) of subsection (c) of
20 this Section, as a result of a summary suspension or revocation
21 as provided in paragraph (3) of subsection (c) of this Section,
22 or as a result of a violation of Section 9-3 of the Criminal
23 Code of 1961 relating to the offense of reckless homicide.

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

1 96-1000, eff. 7-2-10; 96-1344, eff. 7-1-11.)".