



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB5021

Introduced 2/7/2012, by Rep. Carol A. Sente

#### SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-501.01

Amends the Illinois Vehicle Code. Provides that moneys in the State Police DUI Fund and the Secretary of State Police DUI Fund shall be used for enforcement and prevention of driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof, including but not limited to the purchase of law enforcement equipment and commodities that will assist in the prevention of alcohol related criminal violence throughout the State; police officer training and education in areas related to alcohol related crime, including but not limited to DUI training; and police officer salaries, including but not limited to salaries for hire back funding for safety checkpoints, saturation patrols, and liquor store sting operations.

LRB097 19462 HEP 64715 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning transportation.

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

4 Section 5. The Illinois Vehicle Code is amended by changing  
5 Section 11-501.01 as follows:

6 (625 ILCS 5/11-501.01)

7 Sec. 11-501.01. Additional administrative sanctions.

8 (a) After a finding of guilt and prior to any final  
9 sentencing or an order for supervision, for an offense based  
10 upon an arrest for a violation of Section 11-501 or a similar  
11 provision of a local ordinance, individuals shall be required  
12 to undergo a professional evaluation to determine if an  
13 alcohol, drug, or intoxicating compound abuse problem exists  
14 and the extent of the problem, and undergo the imposition of  
15 treatment as appropriate. Programs conducting these  
16 evaluations shall be licensed by the Department of Human  
17 Services. The cost of any professional evaluation shall be paid  
18 for by the individual required to undergo the professional  
19 evaluation.

20 (b) Any person who is found guilty of or pleads guilty to  
21 violating Section 11-501, including any person receiving a  
22 disposition of court supervision for violating that Section,  
23 may be required by the Court to attend a victim impact panel

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

7 (c) Every person found guilty of violating Section 11-501,  
8 whose operation of a motor vehicle while in violation of that  
9 Section proximately caused any incident resulting in an  
10 appropriate emergency response, shall be liable for the expense  
11 of an emergency response as provided in subsection (i) of this  
12 Section.

13 (d) The Secretary of State shall revoke the driving  
14 privileges of any person convicted under Section 11-501 or a  
15 similar provision of a local ordinance.

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

26 (f) In addition to any other penalties and liabilities, a

1 person who is found guilty of or pleads guilty to violating  
2 Section 11-501, including any person placed on court  
3 supervision for violating Section 11-501, shall be assessed  
4 \$750, payable to the circuit clerk, who shall distribute the  
5 money as follows: \$350 to the law enforcement agency that made  
6 the arrest, and \$400 shall be forwarded to the State Treasurer  
7 for deposit into the General Revenue Fund. If the person has  
8 been previously convicted of violating Section 11-501 or a  
9 similar provision of a local ordinance, the fine shall be  
10 \$1,000, and the circuit clerk shall distribute \$200 to the law  
11 enforcement agency that made the arrest and \$800 to the State  
12 Treasurer for deposit into the General Revenue Fund. In the  
13 event that more than one agency is responsible for the arrest,  
14 the amount payable to law enforcement agencies shall be shared  
15 equally. Any moneys received by a law enforcement agency under  
16 this subsection (f) shall be used to purchase law enforcement  
17 equipment that will assist in the prevention of alcohol related  
18 criminal violence throughout the State. This shall include, but  
19 is not limited to, in-car video cameras, radar and laser speed  
20 detection devices, and alcohol breath testers. Any moneys  
21 received by the Department of State Police under this  
22 subsection (f) shall be deposited into the State Police DUI  
23 Fund and shall be used for enforcement and prevention of  
24 driving while under the influence of alcohol, other drug or  
25 drugs, intoxicating compound or compounds or any combination  
26 thereof, as defined by Section 11-501 of this Code, including

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

9 (g) The Secretary of State Police DUI Fund is created as a  
10 special fund in the State treasury. All moneys received by the  
11 Secretary of State Police under subsection (f) of this Section  
12 shall be deposited into the Secretary of State Police DUI Fund  
13 and, subject to appropriation, shall be used for enforcement  
14 and prevention of driving while under the influence of alcohol,  
15 other drug or drugs, intoxicating compound or compounds or any  
16 combination thereof, as defined by Section 11-501 of this Code,  
17 including but not limited to the ~~to~~ purchase of law enforcement  
18 equipment and commodities to assist in the prevention of  
19 alcohol related criminal violence throughout the State; police  
20 officer training and education in areas related to alcohol  
21 related crime, including but not limited to DUI training; and  
22 police officer salaries, including but not limited to salaries  
23 for hire back funding for safety checkpoints, saturation  
24 patrols, and liquor store sting operations.

25 (h) Whenever an individual is sentenced for an offense  
26 based upon an arrest for a violation of Section 11-501 or a

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

16 (i) In addition to any other fine or penalty required by  
17 law, an individual convicted of a violation of Section 11-501,  
18 Section 5-7 of the Snowmobile Registration and Safety Act,  
19 Section 5-16 of the Boat Registration and Safety Act, or a  
20 similar provision, whose operation of a motor vehicle,  
21 snowmobile, or watercraft while in violation of Section 11-501,  
22 Section 5-7 of the Snowmobile Registration and Safety Act,  
23 Section 5-16 of the Boat Registration and Safety Act, or a  
24 similar provision proximately caused an incident resulting in  
25 an appropriate emergency response, shall be required to make  
26 restitution to a public agency for the costs of that emergency

1 response. The restitution may not exceed \$1,000 per public  
2 agency for each emergency response. As used in this subsection  
3 (i), "emergency response" means any incident requiring a  
4 response by a police officer, a firefighter carried on the  
5 rolls of a regularly constituted fire department, or an  
6 ambulance.

7 (Source: P.A. 95-578, eff. 6-1-08; 95-848, eff. 1-1-09;  
8 96-1342, eff. 1-1-11.)