



Sen. Antonio Muñoz

**Filed: 4/17/2012**

09700HB5021sam001

LRB097 19462 HEP 68399 a

1 AMENDMENT TO HOUSE BILL 5021

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5021 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by  
5 changing 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

1 Services. The cost of any professional evaluation shall be paid  
2 for by the individual required to undergo the professional  
3 evaluation.

4 (b) Any person who is found guilty of or pleads guilty to  
5 violating Section 11-501, including any person receiving a  
6 disposition of court supervision for violating that Section,  
7 may be required by the Court to attend a victim impact panel  
8 offered by, or under contract with, a county State's Attorney's  
9 office, a probation and court services department, Mothers  
10 Against Drunk Driving, or the Alliance Against Intoxicated  
11 Motorists. All costs generated by the victim impact panel shall  
12 be paid from fees collected from the offender or as may be  
13 determined by the court.

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

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

23 (e) The Secretary of State shall require the use of  
24 ignition interlock devices on all vehicles owned by a person  
25 who has been convicted of a second or subsequent offense of  
26 Section 11-501 or a similar provision of a local ordinance. The

1 person must pay to the Secretary of State DUI Administration  
2 Fund an amount not to exceed \$30 for each month that he or she  
3 uses the device. The Secretary shall establish by rule and  
4 regulation the procedures for certification and use of the  
5 interlock system, the amount of the fee, and the procedures,  
6 terms, and conditions relating to these fees.

7 (f) In addition to any other penalties and liabilities, a  
8 person who is found guilty of or pleads guilty to violating  
9 Section 11-501, including any person placed on court  
10 supervision for violating Section 11-501, shall be assessed  
11 \$750, payable to the circuit clerk, who shall distribute the  
12 money as follows: \$350 to the law enforcement agency that made  
13 the arrest, and \$400 shall be forwarded to the State Treasurer  
14 for deposit into the General Revenue Fund. If the person has  
15 been previously convicted of violating Section 11-501 or a  
16 similar provision of a local ordinance, the fine shall be  
17 \$1,000, and the circuit clerk shall distribute \$200 to the law  
18 enforcement agency that made the arrest and \$800 to the State  
19 Treasurer for deposit into the General Revenue Fund. In the  
20 event that more than one agency is responsible for the arrest,  
21 the amount payable to law enforcement agencies shall be shared  
22 equally. Any moneys received by a law enforcement agency under  
23 this subsection (f) shall be used for enforcement and  
24 prevention of driving while under the influence of alcohol,  
25 other drug or drugs, intoxicating compound or compounds or any  
26 combination thereof, as defined by Section 11-501 of this Code,

1 including but not limited to the purchase of law enforcement  
2 equipment and commodities that will assist in the prevention of  
3 alcohol related criminal violence throughout the State; police  
4 officer training and education in areas related to alcohol  
5 related crime, including but not limited to DUI training; and  
6 police officer salaries, including but not limited to salaries  
7 for hire back funding for safety checkpoints, saturation  
8 patrols, and liquor store sting operations. ~~to purchase law~~  
9 ~~enforcement equipment that will assist in the prevention of~~  
10 ~~alcohol related criminal violence throughout the State. This~~  
11 ~~shall include, but is not limited to, in car video cameras,~~  
12 ~~radar and laser speed detection devices, and alcohol breath~~  
13 ~~testers.~~ Any moneys received by the Department of State Police  
14 under this subsection (f) shall be deposited into the State  
15 Police DUI Fund and shall be used to purchase law enforcement  
16 equipment that will assist in the prevention of alcohol related  
17 criminal violence throughout the State.

18 (g) The Secretary of State Police DUI Fund is created as a  
19 special fund in the State treasury. All moneys received by the  
20 Secretary of State Police under subsection (f) of this Section  
21 shall be deposited into the Secretary of State Police DUI Fund  
22 and, subject to appropriation, shall be used for enforcement  
23 and prevention of driving while under the influence of alcohol,  
24 other drug or drugs, intoxicating compound or compounds or any  
25 combination thereof, as defined by Section 11-501 of this Code,  
26 including but not limited to the ~~to purchase~~ of law enforcement

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

8 (h) Whenever an individual is sentenced for an offense  
9 based upon an arrest for a violation of Section 11-501 or a  
10 similar provision of a local ordinance, and the professional  
11 evaluation recommends remedial or rehabilitative treatment or  
12 education, neither the treatment nor the education shall be the  
13 sole disposition and either or both may be imposed only in  
14 conjunction with another disposition. The court shall monitor  
15 compliance with any remedial education or treatment  
16 recommendations contained in the professional evaluation.  
17 Programs conducting alcohol or other drug evaluation or  
18 remedial education must be licensed by the Department of Human  
19 Services. If the individual is not a resident of Illinois,  
20 however, the court may accept an alcohol or other drug  
21 evaluation or remedial education program in the individual's  
22 state of residence. Programs providing treatment must be  
23 licensed under existing applicable alcoholism and drug  
24 treatment licensure standards.

25 (i) In addition to any other fine or penalty required by  
26 law, an individual convicted of a violation of Section 11-501,

1 Section 5-7 of the Snowmobile Registration and Safety Act,  
2 Section 5-16 of the Boat Registration and Safety Act, or a  
3 similar provision, whose operation of a motor vehicle,  
4 snowmobile, or watercraft while in violation of Section 11-501,  
5 Section 5-7 of the Snowmobile Registration and Safety Act,  
6 Section 5-16 of the Boat Registration and Safety Act, or a  
7 similar provision proximately caused an incident resulting in  
8 an appropriate emergency response, shall be required to make  
9 restitution to a public agency for the costs of that emergency  
10 response. The restitution may not exceed \$1,000 per public  
11 agency for each emergency response. As used in this subsection  
12 (i), "emergency response" means any incident requiring a  
13 response by a police officer, a firefighter carried on the  
14 rolls of a regularly constituted fire department, or an  
15 ambulance.

16 (Source: P.A. 95-578, eff. 6-1-08; 95-848, eff. 1-1-09;  
17 96-1342, eff. 1-1-11.)".