



Rep. Kelly M. Cassidy

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1 AMENDMENT TO HOUSE BILL 218

2 AMENDMENT NO. _____. Amend House Bill 218, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

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

7 (20 ILCS 2630/5.2)

8 Sec. 5.2. Expungement and sealing.

9 (a) General Provisions.

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

13 (A) The following terms shall have the meanings
14 ascribed to them in the Unified Code of Corrections,
15 730 ILCS 5/5-1-2 through 5/5-1-22:

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

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

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

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

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

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

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

24 (F) As used in this Section, "last sentence" means
25 the sentence, order of supervision, or order of
26 qualified probation (as defined by subsection

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

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

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

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

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

1 Section 70 of the Methamphetamine Control and
2 Community Protection Act, Section 5-6-3.3 or 5-6-3.4
3 of the Unified Code of Corrections, Section
4 12-4.3(b)(1) and (2) of the Criminal Code of 1961 (as
5 those provisions existed before their deletion by
6 Public Act 89-313), Section 10-102 of the Illinois
7 Alcoholism and Other Drug Dependency Act, Section
8 40-10 of the Alcoholism and Other Drug Abuse and
9 Dependency Act, or Section 10 of the Steroid Control
10 Act. For the purpose of this Section, "successful
11 completion" of an order of qualified probation under
12 Section 10-102 of the Illinois Alcoholism and Other
13 Drug Dependency Act and Section 40-10 of the Alcoholism
14 and Other Drug Abuse and Dependency Act means that the
15 probation was terminated satisfactorily and the
16 judgment of conviction was vacated.

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

1 (L) "Sexual offense committed against a minor"
2 includes but is not limited to the offenses of indecent
3 solicitation of a child or criminal sexual abuse when
4 the victim of such offense is under 18 years of age.

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

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

14 (2.5) Commencing 180 days after the effective date of
15 this amendatory Act of the 99th General Assembly, the law
16 enforcement agency issuing the citation shall
17 automatically expunge, on or before January 1 and July 1 of
18 each year, the law enforcement records of a person found to
19 have committed a civil law violation of subsection (a) of
20 Section 4 of the Cannabis Control Act or subsection (c) of
21 Section 3.5 of the Drug Paraphernalia Control Act in the
22 law enforcement agency's possession or control and which
23 contains the final satisfactory disposition which pertain
24 to the person issued a citation for that offense. The law
25 enforcement agency shall provide by rule the process for
26 access, review, and to confirm the automatic expungement by

1 the law enforcement agency issuing the citation.
2 Commencing 180 days after the effective date of this
3 amendatory Act of the 99th General Assembly, the clerk of
4 the circuit court shall automatically expunge, on or before
5 January 1 and July 1 of each year, the court records of a
6 person found in the circuit court to have committed a civil
7 law violation of subsection (a) of Section 4 of the
8 Cannabis Control Act or subsection (c) of Section 3.5 of
9 the Drug Paraphernalia Control Act in the clerk's
10 possession or control and which contains the final
11 satisfactory disposition which pertain to the person
12 issued a citation for any of those offenses.

13 (3) Exclusions. Except as otherwise provided in
14 subsections (b) (5), (b) (6), (b) (8), (e), (e-5), and (e-6)
15 of this Section, the court shall not order:

16 (A) the sealing or expungement of the records of
17 arrests or charges not initiated by arrest that result
18 in an order of supervision for or conviction of: (i)
19 any sexual offense committed against a minor; (ii)
20 Section 11-501 of the Illinois Vehicle Code or a
21 similar provision of a local ordinance; or (iii)
22 Section 11-503 of the Illinois Vehicle Code or a
23 similar provision of a local ordinance, unless the
24 arrest or charge is for a misdemeanor violation of
25 subsection (a) of Section 11-503 or a similar provision
26 of a local ordinance, that occurred prior to the

1 offender reaching the age of 25 years and the offender
2 has no other conviction for violating Section 11-501 or
3 11-503 of the Illinois Vehicle Code or a similar
4 provision of a local ordinance.

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

9 (C) the sealing of the records of arrests or
10 charges not initiated by arrest which result in an
11 order of supervision or a conviction for the following
12 offenses:

13 (i) offenses included in Article 11 of the
14 Criminal Code of 1961 or the Criminal Code of 2012
15 or a similar provision of a local ordinance, except
16 Section 11-14 of the Criminal Code of 1961 or the
17 Criminal Code of 2012, or a similar provision of a
18 local ordinance;

19 (ii) Section 11-1.50, 12-3.4, 12-15, 12-30,
20 26-5, or 48-1 of the Criminal Code of 1961 or the
21 Criminal Code of 2012, or a similar provision of a
22 local ordinance;

23 (iii) Sections 12-3.1 or 12-3.2 of the
24 Criminal Code of 1961 or the Criminal Code of 2012,
25 or Section 125 of the Stalking No Contact Order
26 Act, or Section 219 of the Civil No Contact Order

1 Act, or a similar provision of a local ordinance;

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

4 (v) any offense or attempted offense that
5 would subject a person to registration under the
6 Sex Offender Registration Act.

7 (D) the sealing of the records of an arrest which
8 results in the petitioner being charged with a felony
9 offense or records of a charge not initiated by arrest
10 for a felony offense unless:

11 (i) the charge is amended to a misdemeanor and
12 is otherwise eligible to be sealed pursuant to
13 subsection (c);

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

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

25 (iv) the charge is for a felony offense listed
26 in subsection (c) (2) (F) or the charge is amended to

1 a felony offense listed in subsection (c) (2) (F);

2 (v) the charge results in acquittal,
3 dismissal, or the petitioner's release without
4 conviction; or

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

7 (b) Expungement.

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

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

13 (B) Each arrest or charge not initiated by arrest
14 sought to be expunged resulted in: (i) acquittal,
15 dismissal, or the petitioner's release without
16 charging, unless excluded by subsection (a) (3) (B);
17 (ii) a conviction which was vacated or reversed, unless
18 excluded by subsection (a) (3) (B); (iii) an order of
19 supervision and such supervision was successfully
20 completed by the petitioner, unless excluded by
21 subsection (a) (3) (A) or (a) (3) (B); or (iv) an order of
22 qualified probation (as defined in subsection
23 (a) (1) (J)) and such probation was successfully
24 completed by the petitioner.

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

26 (A) When the arrest or charge not initiated by

1 arrest sought to be expunged resulted in an acquittal,
2 dismissal, the petitioner's release without charging,
3 or the reversal or vacation of a conviction, there is
4 no waiting period to petition for the expungement of
5 such records.

6 (B) When the arrest or charge not initiated by
7 arrest sought to be expunged resulted in an order of
8 supervision, successfully completed by the petitioner,
9 the following time frames will apply:

10 (i) Those arrests or charges that resulted in
11 orders of supervision under Section 3-707, 3-708,
12 3-710, or 5-401.3 of the Illinois Vehicle Code or a
13 similar provision of a local ordinance, or under
14 Section 11-1.50, 12-3.2, or 12-15 of the Criminal
15 Code of 1961 or the Criminal Code of 2012, or a
16 similar provision of a local ordinance, shall not
17 be eligible for expungement until 5 years have
18 passed following the satisfactory termination of
19 the supervision.

20 (i-5) Those arrests or charges that resulted
21 in orders of supervision for a misdemeanor
22 violation of subsection (a) of Section 11-503 of
23 the Illinois Vehicle Code or a similar provision of
24 a local ordinance, that occurred prior to the
25 offender reaching the age of 25 years and the
26 offender has no other conviction for violating

1 Section 11-501 or 11-503 of the Illinois Vehicle
2 Code or a similar provision of a local ordinance
3 shall not be eligible for expungement until the
4 petitioner has reached the age of 25 years.

5 (ii) Those arrests or charges that resulted in
6 orders of supervision for any other offenses shall
7 not be eligible for expungement until 2 years have
8 passed following the satisfactory termination of
9 the supervision.

10 (C) When the arrest or charge not initiated by
11 arrest sought to be expunged resulted in an order of
12 qualified probation, successfully completed by the
13 petitioner, such records shall not be eligible for
14 expungement until 5 years have passed following the
15 satisfactory termination of the probation.

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

20 (4) Whenever a person has been arrested for or
21 convicted of any offense, in the name of a person whose
22 identity he or she has stolen or otherwise come into
23 possession of, the aggrieved person from whom the identity
24 was stolen or otherwise obtained without authorization,
25 upon learning of the person having been arrested using his
26 or her identity, may, upon verified petition to the chief

1 judge of the circuit wherein the arrest was made, have a
2 court order entered nunc pro tunc by the Chief Judge to
3 correct the arrest record, conviction record, if any, and
4 all official records of the arresting authority, the
5 Department, other criminal justice agencies, the
6 prosecutor, and the trial court concerning such arrest, if
7 any, by removing his or her name from all such records in
8 connection with the arrest and conviction, if any, and by
9 inserting in the records the name of the offender, if known
10 or ascertainable, in lieu of the aggrieved's name. The
11 records of the circuit court clerk shall be sealed until
12 further order of the court upon good cause shown and the
13 name of the aggrieved person obliterated on the official
14 index required to be kept by the circuit court clerk under
15 Section 16 of the Clerks of Courts Act, but the order shall
16 not affect any index issued by the circuit court clerk
17 before the entry of the order. Nothing in this Section
18 shall limit the Department of State Police or other
19 criminal justice agencies or prosecutors from listing
20 under an offender's name the false names he or she has
21 used.

22 (5) Whenever a person has been convicted of criminal
23 sexual assault, aggravated criminal sexual assault,
24 predatory criminal sexual assault of a child, criminal
25 sexual abuse, or aggravated criminal sexual abuse, the
26 victim of that offense may request that the State's

1 Attorney of the county in which the conviction occurred
2 file a verified petition with the presiding trial judge at
3 the petitioner's trial to have a court order entered to
4 seal the records of the circuit court clerk in connection
5 with the proceedings of the trial court concerning that
6 offense. However, the records of the arresting authority
7 and the Department of State Police concerning the offense
8 shall not be sealed. The court, upon good cause shown,
9 shall make the records of the circuit court clerk in
10 connection with the proceedings of the trial court
11 concerning the offense available for public inspection.

12 (6) If a conviction has been set aside on direct review
13 or on collateral attack and the court determines by clear
14 and convincing evidence that the petitioner was factually
15 innocent of the charge, the court that finds the petitioner
16 factually innocent of the charge shall enter an expungement
17 order for the conviction for which the petitioner has been
18 determined to be innocent as provided in subsection (b) of
19 Section 5-5-4 of the Unified Code of Corrections.

20 (7) Nothing in this Section shall prevent the
21 Department of State Police from maintaining all records of
22 any person who is admitted to probation upon terms and
23 conditions and who fulfills those terms and conditions
24 pursuant to Section 10 of the Cannabis Control Act, Section
25 410 of the Illinois Controlled Substances Act, Section 70
26 of the Methamphetamine Control and Community Protection

1 Act, Section 5-6-3.3 or 5-6-3.4 of the Unified Code of
2 Corrections, Section 12-4.3 or subdivision (b)(1) of
3 Section 12-3.05 of the Criminal Code of 1961 or the
4 Criminal Code of 2012, Section 10-102 of the Illinois
5 Alcoholism and Other Drug Dependency Act, Section 40-10 of
6 the Alcoholism and Other Drug Abuse and Dependency Act, or
7 Section 10 of the Steroid Control Act.

8 (8) If the petitioner has been granted a certificate of
9 innocence under Section 2-702 of the Code of Civil
10 Procedure, the court that grants the certificate of
11 innocence shall also enter an order expunging the
12 conviction for which the petitioner has been determined to
13 be innocent as provided in subsection (h) of Section 2-702
14 of the Code of Civil Procedure.

15 (c) Sealing.

16 (1) Applicability. Notwithstanding any other provision
17 of this Act to the contrary, and cumulative with any rights
18 to expungement of criminal records, this subsection
19 authorizes the sealing of criminal records of adults and of
20 minors prosecuted as adults.

21 (2) Eligible Records. The following records may be
22 sealed:

23 (A) All arrests resulting in release without
24 charging;

25 (B) Arrests or charges not initiated by arrest
26 resulting in acquittal, dismissal, or conviction when

1 the conviction was reversed or vacated, except as
2 excluded by subsection (a) (3) (B);

3 (C) Arrests or charges not initiated by arrest
4 resulting in orders of supervision, including orders
5 of supervision for municipal ordinance violations,
6 successfully completed by the petitioner, unless
7 excluded by subsection (a) (3);

8 (D) Arrests or charges not initiated by arrest
9 resulting in convictions, including convictions on
10 municipal ordinance violations, unless excluded by
11 subsection (a) (3);

12 (E) Arrests or charges not initiated by arrest
13 resulting in orders of first offender probation under
14 Section 10 of the Cannabis Control Act, Section 410 of
15 the Illinois Controlled Substances Act, Section 70 of
16 the Methamphetamine Control and Community Protection
17 Act, or Section 5-6-3.3 of the Unified Code of
18 Corrections; and

19 (F) Arrests or charges not initiated by arrest
20 resulting in felony convictions for the following
21 offenses:

22 (i) Class 4 felony convictions for:

23 Prostitution under Section 11-14 of the
24 Criminal Code of 1961 or the Criminal Code of
25 2012.

26 Possession of cannabis under Section 4 of

1 the Cannabis Control Act.

2 Possession of a controlled substance under
3 Section 402 of the Illinois Controlled
4 Substances Act.

5 Offenses under the Methamphetamine
6 Precursor Control Act.

7 Offenses under the Steroid Control Act.

8 Theft under Section 16-1 of the Criminal
9 Code of 1961 or the Criminal Code of 2012.

10 Retail theft under Section 16A-3 or
11 paragraph (a) of 16-25 of the Criminal Code of
12 1961 or the Criminal Code of 2012.

13 Deceptive practices under Section 17-1 of
14 the Criminal Code of 1961 or the Criminal Code
15 of 2012.

16 Forgery under Section 17-3 of the Criminal
17 Code of 1961 or the Criminal Code of 2012.

18 Possession of burglary tools under Section
19 19-2 of the Criminal Code of 1961 or the
20 Criminal Code of 2012.

21 (ii) Class 3 felony convictions for:

22 Theft under Section 16-1 of the Criminal
23 Code of 1961 or the Criminal Code of 2012.

24 Retail theft under Section 16A-3 or
25 paragraph (a) of 16-25 of the Criminal Code of
26 1961 or the Criminal Code of 2012.

1 Deceptive practices under Section 17-1 of
2 the Criminal Code of 1961 or the Criminal Code
3 of 2012.

4 Forgery under Section 17-3 of the Criminal
5 Code of 1961 or the Criminal Code of 2012.

6 Possession with intent to manufacture or
7 deliver a controlled substance under Section
8 401 of the Illinois Controlled Substances Act.

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

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

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

25 (C) Records identified as eligible under
26 subsections (c)(2)(D), (c)(2)(E), and (c)(2)(F) may be

1 sealed 4 years after the termination of the
2 petitioner's last sentence (as defined in subsection
3 (a) (1) (F)).

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

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

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

20 (d) Procedure. The following procedures apply to
21 expungement under subsections (b), (e), and (e-6) and sealing
22 under subsections (c) and (e-5):

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

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

6 (2) Contents of petition. The petition shall be
7 verified and shall contain the petitioner's name, date of
8 birth, current address and, for each arrest or charge not
9 initiated by arrest sought to be sealed or expunged, the
10 case number, the date of arrest (if any), the identity of
11 the arresting authority, and such other information as the
12 court may require. During the pendency of the proceeding,
13 the petitioner shall promptly notify the circuit court
14 clerk of any change of his or her address. If the
15 petitioner has received a certificate of eligibility for
16 sealing from the Prisoner Review Board under paragraph (10)
17 of subsection (a) of Section 3-3-2 of the Unified Code of
18 Corrections, the certificate shall be attached to the
19 petition.

20 (3) Drug test. The petitioner must attach to the
21 petition proof that the petitioner has passed a test taken
22 within 30 days before the filing of the petition showing
23 the absence within his or her body of all illegal
24 substances as defined by the Illinois Controlled
25 Substances Act, the Methamphetamine Control and Community
26 Protection Act, and the Cannabis Control Act if he or she

1 is petitioning to:

2 (A) seal felony records under clause (c) (2) (E);

3 (B) seal felony records for a violation of the
4 Illinois Controlled Substances Act, the
5 Methamphetamine Control and Community Protection Act,
6 or the Cannabis Control Act under clause (c) (2) (F);

7 (C) seal felony records under subsection (e-5); or

8 (D) expunge felony records of a qualified
9 probation under clause (b) (1) (B) (iv).

10 (4) Service of petition. The circuit court clerk shall
11 promptly serve a copy of the petition and documentation to
12 support the petition under subsection (e-5) or (e-6) on the
13 State's Attorney or prosecutor charged with the duty of
14 prosecuting the offense, the Department of State Police,
15 the arresting agency and the chief legal officer of the
16 unit of local government effecting the arrest.

17 (5) Objections.

18 (A) Any party entitled to notice of the petition
19 may file an objection to the petition. All objections
20 shall be in writing, shall be filed with the circuit
21 court clerk, and shall state with specificity the basis
22 of the objection. Whenever a person who has been
23 convicted of an offense is granted a pardon by the
24 Governor which specifically authorizes expungement, an
25 objection to the petition may not be filed.

26 (B) Objections to a petition to expunge or seal

1 must be filed within 60 days of the date of service of
2 the petition.

3 (6) Entry of order.

4 (A) The Chief Judge of the circuit wherein the
5 charge was brought, any judge of that circuit
6 designated by the Chief Judge, or in counties of less
7 than 3,000,000 inhabitants, the presiding trial judge
8 at the petitioner's trial, if any, shall rule on the
9 petition to expunge or seal as set forth in this
10 subsection (d) (6).

11 (B) Unless the State's Attorney or prosecutor, the
12 Department of State Police, the arresting agency, or
13 the chief legal officer files an objection to the
14 petition to expunge or seal within 60 days from the
15 date of service of the petition, the court shall enter
16 an order granting or denying the petition.

17 (7) Hearings. If an objection is filed, the court shall
18 set a date for a hearing and notify the petitioner and all
19 parties entitled to notice of the petition of the hearing
20 date at least 30 days prior to the hearing. Prior to the
21 hearing, the State's Attorney shall consult with the
22 Department as to the appropriateness of the relief sought
23 in the petition to expunge or seal. At the hearing, the
24 court shall hear evidence on whether the petition should or
25 should not be granted, and shall grant or deny the petition
26 to expunge or seal the records based on the evidence

1 presented at the hearing. The court may consider the
2 following:

3 (A) the strength of the evidence supporting the
4 defendant's conviction;

5 (B) the reasons for retention of the conviction
6 records by the State;

7 (C) the petitioner's age, criminal record history,
8 and employment history;

9 (D) the period of time between the petitioner's
10 arrest on the charge resulting in the conviction and
11 the filing of the petition under this Section; and

12 (E) the specific adverse consequences the
13 petitioner may be subject to if the petition is denied.

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

23 (9) Implementation of order.

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

26 (i) the records shall be expunged (as defined

1 in subsection (a) (1) (E)) by the arresting agency,
2 the Department, and any other agency as ordered by
3 the court, within 60 days of the date of service of
4 the order, unless a motion to vacate, modify, or
5 reconsider the order is filed pursuant to
6 paragraph (12) of subsection (d) of this Section;

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

16 (iii) in response to an inquiry for expunged
17 records, the court, the Department, or the agency
18 receiving such inquiry, shall reply as it does in
19 response to inquiries when no records ever
20 existed.

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

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

1 unless a motion to vacate, modify, or reconsider
2 the order is filed pursuant to paragraph (12) of
3 subsection (d) of this Section;

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

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

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

26 (v) in response to an inquiry for such records

1 from anyone not authorized by law to access such
2 records, the court, the Department, or the agency
3 receiving such inquiry shall reply as it does in
4 response to inquiries when no records ever
5 existed.

6 (B-5) Upon entry of an order to expunge records
7 under subsection (e-6):

8 (i) the records shall be expunged (as defined
9 in subsection (a)(1)(E)) by the arresting agency
10 and any other agency as ordered by the court,
11 within 60 days of the date of service of the order,
12 unless a motion to vacate, modify, or reconsider
13 the order is filed under paragraph (12) of
14 subsection (d) of this Section;

15 (ii) the records of the circuit court clerk
16 shall be impounded until further order of the court
17 upon good cause shown and the name of the
18 petitioner obliterated on the official index
19 required to be kept by the circuit court clerk
20 under Section 16 of the Clerks of Courts Act, but
21 the order shall not affect any index issued by the
22 circuit court clerk before the entry of the order;

23 (iii) the records shall be impounded by the
24 Department within 60 days of the date of service of
25 the order as ordered by the court, unless a motion
26 to vacate, modify, or reconsider the order is filed

1 under paragraph (12) of subsection (d) of this
2 Section;

3 (iv) records impounded by the Department may
4 be disseminated by the Department only as required
5 by law or to the arresting authority, the State's
6 Attorney, and the court upon a later arrest for the
7 same or a similar offense or for the purpose of
8 sentencing for any subsequent felony, and to the
9 Department of Corrections upon conviction for any
10 offense; and

11 (v) in response to an inquiry for these records
12 from anyone not authorized by law to access the
13 records, the court, the Department, or the agency
14 receiving the inquiry shall reply as it does in
15 response to inquiries when no records ever
16 existed.

17 (C) Upon entry of an order to seal records under
18 subsection (c), the arresting agency, any other agency
19 as ordered by the court, the Department, and the court
20 shall seal the records (as defined in subsection
21 (a)(1)(K)). In response to an inquiry for such records
22 from anyone not authorized by law to access such
23 records, the court, the Department, or the agency
24 receiving such inquiry shall reply as it does in
25 response to inquiries when no records ever existed.

26 (D) The Department shall send written notice to the

1 petitioner of its compliance with each order to expunge
2 or seal records within 60 days of the date of service
3 of that order or, if a motion to vacate, modify, or
4 reconsider is filed, within 60 days of service of the
5 order resolving the motion, if that order requires the
6 Department to expunge or seal records. In the event of
7 an appeal from the circuit court order, the Department
8 shall send written notice to the petitioner of its
9 compliance with an Appellate Court or Supreme Court
10 judgment to expunge or seal records within 60 days of
11 the issuance of the court's mandate. The notice is not
12 required while any motion to vacate, modify, or
13 reconsider, or any appeal or petition for
14 discretionary appellate review, is pending.

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

1 expunge on all parties. The circuit court clerk shall
2 collect and forward the Department of State Police portion
3 of the fee to the Department and it shall be deposited in
4 the State Police Services Fund.

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

10 (12) Motion to Vacate, Modify, or Reconsider. Under
11 Section 2-1203 of the Code of Civil Procedure, the
12 petitioner or any party entitled to notice may file a
13 motion to vacate, modify, or reconsider the order granting
14 or denying the petition to expunge or seal within 60 days
15 of service of the order. If filed more than 60 days after
16 service of the order, a petition to vacate, modify, or
17 reconsider shall comply with subsection (c) of Section
18 2-1401 of the Code of Civil Procedure. Upon filing of a
19 motion to vacate, modify, or reconsider, notice of the
20 motion shall be served upon the petitioner and all parties
21 entitled to notice of the petition.

22 (13) Effect of Order. An order granting a petition
23 under the expungement or sealing provisions of this Section
24 shall not be considered void because it fails to comply
25 with the provisions of this Section or because of any error
26 asserted in a motion to vacate, modify, or reconsider. The

1 circuit court retains jurisdiction to determine whether
2 the order is voidable and to vacate, modify, or reconsider
3 its terms based on a motion filed under paragraph (12) of
4 this subsection (d).

5 (14) Compliance with Order Granting Petition to Seal
6 Records. Unless a court has entered a stay of an order
7 granting a petition to seal, all parties entitled to notice
8 of the petition must fully comply with the terms of the
9 order within 60 days of service of the order even if a
10 party is seeking relief from the order through a motion
11 filed under paragraph (12) of this subsection (d) or is
12 appealing the order.

13 (15) Compliance with Order Granting Petition to
14 Expunge Records. While a party is seeking relief from the
15 order granting the petition to expunge through a motion
16 filed under paragraph (12) of this subsection (d) or is
17 appealing the order, and unless a court has entered a stay
18 of that order, the parties entitled to notice of the
19 petition must seal, but need not expunge, the records until
20 there is a final order on the motion for relief or, in the
21 case of an appeal, the issuance of that court's mandate.

22 (16) The changes to this subsection (d) made by Public
23 Act 98-163 apply to all petitions pending on August 5, 2013
24 (the effective date of Public Act 98-163) and to all orders
25 ruling on a petition to expunge or seal on or after August
26 5, 2013 (the effective date of Public Act 98-163).

1 (e) Whenever a person who has been convicted of an offense
2 is granted a pardon by the Governor which specifically
3 authorizes expungement, he or she may, upon verified petition
4 to the Chief Judge of the circuit where the person had been
5 convicted, any judge of the circuit designated by the Chief
6 Judge, or in counties of less than 3,000,000 inhabitants, the
7 presiding trial judge at the defendant's trial, have a court
8 order entered expunging the record of arrest from the official
9 records of the arresting authority and order that the records
10 of the circuit court clerk and the Department be sealed until
11 further order of the court upon good cause shown or as
12 otherwise provided herein, and the name of the defendant
13 obliterated from the official index requested to be kept by the
14 circuit court clerk under Section 16 of the Clerks of Courts
15 Act in connection with the arrest and conviction for the
16 offense for which he or she had been pardoned but the order
17 shall not affect any index issued by the circuit court clerk
18 before the entry of the order. All records sealed by the
19 Department may be disseminated by the Department only to the
20 arresting authority, the State's Attorney, and the court upon a
21 later arrest for the same or similar offense or for the purpose
22 of sentencing for any subsequent felony. Upon conviction for
23 any subsequent offense, the Department of Corrections shall
24 have access to all sealed records of the Department pertaining
25 to that individual. Upon entry of the order of expungement, the
26 circuit court clerk shall promptly mail a copy of the order to

1 the person who was pardoned.

2 (e-5) Whenever a person who has been convicted of an
3 offense is granted a certificate of eligibility for sealing by
4 the Prisoner Review Board which specifically authorizes
5 sealing, he or she may, upon verified petition to the Chief
6 Judge of the circuit where the person had been convicted, any
7 judge of the circuit designated by the Chief Judge, or in
8 counties of less than 3,000,000 inhabitants, the presiding
9 trial judge at the petitioner's trial, have a court order
10 entered sealing the record of arrest from the official records
11 of the arresting authority and order that the records of the
12 circuit court clerk and the Department be sealed until further
13 order of the court upon good cause shown or as otherwise
14 provided herein, and the name of the petitioner obliterated
15 from the official index requested to be kept by the circuit
16 court clerk under Section 16 of the Clerks of Courts Act in
17 connection with the arrest and conviction for the offense for
18 which he or she had been granted the certificate but the order
19 shall not affect any index issued by the circuit court clerk
20 before the entry of the order. All records sealed by the
21 Department may be disseminated by the Department only as
22 required by this Act or to the arresting authority, a law
23 enforcement agency, the State's Attorney, and the court upon a
24 later arrest for the same or similar offense or for the purpose
25 of sentencing for any subsequent felony. Upon conviction for
26 any subsequent offense, the Department of Corrections shall

1 have access to all sealed records of the Department pertaining
2 to that individual. Upon entry of the order of sealing, the
3 circuit court clerk shall promptly mail a copy of the order to
4 the person who was granted the certificate of eligibility for
5 sealing.

6 (e-6) Whenever a person who has been convicted of an
7 offense is granted a certificate of eligibility for expungement
8 by the Prisoner Review Board which specifically authorizes
9 expungement, he or she may, upon verified petition to the Chief
10 Judge of the circuit where the person had been convicted, any
11 judge of the circuit designated by the Chief Judge, or in
12 counties of less than 3,000,000 inhabitants, the presiding
13 trial judge at the petitioner's trial, have a court order
14 entered expunging the record of arrest from the official
15 records of the arresting authority and order that the records
16 of the circuit court clerk and the Department be sealed until
17 further order of the court upon good cause shown or as
18 otherwise provided herein, and the name of the petitioner
19 obliterated from the official index requested to be kept by the
20 circuit court clerk under Section 16 of the Clerks of Courts
21 Act in connection with the arrest and conviction for the
22 offense for which he or she had been granted the certificate
23 but the order shall not affect any index issued by the circuit
24 court clerk before the entry of the order. All records sealed
25 by the Department may be disseminated by the Department only as
26 required by this Act or to the arresting authority, a law

1 enforcement agency, the State's Attorney, and the court upon a
2 later arrest for the same or similar offense or for the purpose
3 of sentencing for any subsequent felony. Upon conviction for
4 any subsequent offense, the Department of Corrections shall
5 have access to all expunged records of the Department
6 pertaining to that individual. Upon entry of the order of
7 expungement, the circuit court clerk shall promptly mail a copy
8 of the order to the person who was granted the certificate of
9 eligibility for expungement.

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

22 (Source: P.A. 97-443, eff. 8-19-11; 97-698, eff. 1-1-13;
23 97-1026, eff. 1-1-13; 97-1108, eff. 1-1-13; 97-1109, eff.
24 1-1-13; 97-1118, eff. 1-1-13; 97-1120, eff. 1-1-13; 97-1150,
25 eff. 1-25-13; 98-133, eff. 1-1-14; 98-142, eff. 1-1-14; 98-163,
26 eff. 8-5-13; 98-164, eff. 1-1-14; 98-399, eff. 8-16-13; 98-635,

1 eff. 1-1-15; 98-637, eff. 1-1-15; 98-756, eff. 7-16-14;
2 98-1009, eff. 1-1-15; revised 9-30-14.)

3 Section 10. The Compassionate Use of Medical Cannabis Pilot
4 Program Act is amended by changing Section 65 as follows:

5 (410 ILCS 130/65)

6 (Section scheduled to be repealed on January 1, 2018)

7 Sec. 65. Denial of registry identification cards.

8 (a) The Department of Public Health may deny an application
9 or renewal of a qualifying patient's registry identification
10 card only if the applicant:

11 (1) did not provide the required information and
12 materials;

13 (2) previously had a registry identification card
14 revoked;

15 (3) did not meet the requirements of this Act; or

16 (4) provided false or falsified information.

17 (b) Except as provided in subsection (b-5) of this Section,
18 no ~~No~~ person who has been convicted of a felony under the
19 Illinois Controlled Substances Act, Cannabis Control Act, or
20 Methamphetamine Control and Community Protection Act, or
21 similar provision in a local ordinance or other jurisdiction is
22 eligible to receive a registry identification card.

23 (b-5) If a person was convicted of a felony under the
24 Cannabis Control Act or a similar provision of a local

1 ordinance or of a law of another jurisdiction, and the action
2 warranting that felony is no longer considered a felony after
3 the effective date of this amendatory Act of the 99th General
4 Assembly, that person shall be eligible to receive a registry
5 identification card.

6 (c) The Department of Public Health may deny an application
7 or renewal for a designated caregiver chosen by a qualifying
8 patient whose registry identification card was granted only if:

9 (1) the designated caregiver does not meet the
10 requirements of subsection (i) of Section 10;

11 (2) the applicant did not provide the information
12 required;

13 (3) the prospective patient's application was denied;

14 (4) the designated caregiver previously had a registry
15 identification card revoked; or

16 (5) the applicant or the designated caregiver provided
17 false or falsified information.

18 (d) The Department of Public Health through the Department
19 of State Police shall conduct a background check of the
20 prospective qualifying patient and designated caregiver in
21 order to carry out this Section. The Department of State Police
22 shall charge a fee for conducting the criminal history record
23 check, which shall be deposited in the State Police Services
24 Fund and shall not exceed the actual cost of the record check.
25 Each person applying as a qualifying patient or a designated
26 caregiver shall submit a full set of fingerprints to the

1 Department of State Police for the purpose of obtaining a State
2 and federal criminal records check. These fingerprints shall be
3 checked against the fingerprint records now and hereafter, to
4 the extent allowed by law, filed in the Department of State
5 Police and Federal Bureau of Investigation criminal history
6 records databases. The Department of State Police shall
7 furnish, following positive identification, all Illinois
8 conviction information to the Department of Public Health. The
9 Department of Public Health may waive the submission of a
10 qualifying patient's complete fingerprints based on (1) the
11 severity of the patient's illness and (2) the inability of the
12 qualifying patient to supply those fingerprints, provided that
13 a complete criminal background check is conducted by the
14 Department of State Police prior to the issuance of a registry
15 identification card.

16 (e) The Department of Public Health shall notify the
17 qualifying patient who has designated someone to serve as his
18 or her designated caregiver if a registry identification card
19 will not be issued to the designated caregiver.

20 (f) Denial of an application or renewal is considered a
21 final Department action, subject to judicial review.
22 Jurisdiction and venue for judicial review are vested in the
23 Circuit Court.

24 (Source: P.A. 98-122, eff. 1-1-14; 98-1172, eff. 1-12-15.)

25 Section 15. The Illinois Aeronautics Act is amended by

1 changing Sections 43d and 43e as follows:

2 (620 ILCS 5/43d) (from Ch. 15 1/2, par. 22.43d)

3 Sec. 43d. Intoxicated persons in or about aircraft.

4 (a) No person shall:

5 (1) Operate or attempt to operate any aircraft in this
6 State while under the influence of intoxicating liquor or
7 any narcotic drug or other controlled substance.

8 (2) Knowingly permit any individual who is under the
9 influence of intoxicating liquor or any narcotic drug or
10 other controlled substance to operate any aircraft owned by
11 the person or in his custody or control.

12 (3) Perform any act in connection with the maintenance
13 or operation of any aircraft when under the influence of
14 intoxicating liquor or any narcotic drug or other
15 controlled substance, except medication prescribed by a
16 physician which will not render the person incapable of
17 performing his duties safely.

18 (4) (i) Consume alcoholic liquor within 8 hours prior to
19 operating or acting as a crew member of any aircraft within
20 this State.

21 (ii) Act as a crew member of any aircraft within this
22 State while under the influence of alcohol or when the
23 alcohol concentration in the person's blood, other bodily
24 substance, or breath is 0.04 or more based on the
25 definition of blood, other bodily substance, and breath

1 units contained in Section 11-501.2 of the Illinois Vehicle
2 Code.

3 (iii) Operate any aircraft within this State when the
4 alcohol concentration in the person's blood, other bodily
5 substance, or breath is 0.04 or more based on the
6 definition of blood, other bodily substance, and breath
7 units contained in Section 11-501.2 of the Illinois Vehicle
8 Code.

9 (iv) Operate or act as a crew member of any aircraft
10 within this State when there is any amount of a drug,
11 substance, or compound in the person's blood, other bodily
12 substance, or urine resulting from the unlawful use or
13 consumption of cannabis as listed in the Cannabis Control
14 Act or a controlled substance as listed in the Illinois
15 Controlled Substances Act.

16 (5) Knowingly consume while a crew member of any
17 aircraft any intoxicating liquor, narcotic drug, or other
18 controlled substance while the aircraft is in operation.

19 (b) Any person who violates clause (4) (i) of subsection (a)
20 of this Section is guilty of a Class A misdemeanor. A person
21 who violates paragraph (2), (3), or (5) or clause (4) (ii) of
22 subsection (a) of this Section is guilty of a Class 4 felony. A
23 person who violates paragraph (1) or clause (4) (iii) or (4) (iv)
24 of subsection (a) of this Section is guilty of a Class 3
25 felony.

26 (Source: P.A. 98-756, eff. 7-16-14.)

1 (620 ILCS 5/43e) (from Ch. 15 1/2, par. 22.43e)

2 Sec. 43e. (a) Any person who operates, is in actual
3 physical control or who acts as a crew member of any aircraft
4 in this State shall be deemed to have given consent, subject to
5 the provisions of Section 11-501.2 of the Illinois Vehicle
6 Code, to a chemical test or tests of blood, breath, other
7 bodily substance, or urine for the purpose of determining the
8 alcohol, other drug, or combination thereof content of the
9 person's blood if arrested or upon request by any law
10 enforcement officer where the officer has probable cause to
11 believe the person is in violation of Section 43d of this Act.
12 The test or tests shall be administered at the direction of the
13 arresting law enforcement officer and the agency employing the
14 officer shall designate which of the tests specified in this
15 Section shall be administered.

16 (b) Any person who is dead, unconscious or who is otherwise
17 in a condition rendering the person incapable of refusal, shall
18 be deemed not to have withdrawn the consent provided by
19 paragraph (a) of this Section, and the test or tests may be
20 administered, subject to the provisions of Section 11-501.2 of
21 the Illinois Vehicle Code.

22 (c) If the person refuses testing or submits to a test
23 which discloses an alcohol concentration of 0.04 or more or
24 discloses the presence of any illegal drug the law enforcement
25 officer shall immediately submit a sworn report containing that

1 information to the Federal Aviation Administration, Civil
2 Aeronautics Board or any other federal agency responsible for
3 the licensing of pilots and crew members. The test results
4 shall, in addition, be made available to any agency responsible
5 for relicensing or recertifying any pilot or crew member.

6 (Source: P.A. 87-458.)

7 Section 20. The Illinois Vehicle Code is amended by
8 changing Sections 2-118, 2-118.1, 6-106.1a, 6-208.1, 6-514,
9 6-517, 11-401, 11-500, 11-500.1, 11-501, 11-501.1, 11-501.2,
10 11-501.4, 11-501.4-1, 11-501.6, 11-501.8, and 11-507 as
11 follows:

12 (625 ILCS 5/2-118) (from Ch. 95 1/2, par. 2-118)

13 Sec. 2-118. Hearings.

14 (a) Upon the suspension, revocation or denial of the
15 issuance of a license, permit, registration or certificate of
16 title under this Code of any person the Secretary of State
17 shall immediately notify such person in writing and upon his
18 written request shall, within 20 days after receipt thereof,
19 set a date for a hearing to commence within 90 calendar days
20 from the date of the written request for all requests related
21 to a suspension, revocation, or the denial of the issuance of a
22 license, permit, registration, or certificate of title
23 occurring after July 1, 2002, in the County of Sangamon, the
24 County of Jefferson, or the County of Cook, as such person may

1 specify, unless both parties agree that such hearing may be
2 held in some other county. The Secretary may require the
3 payment of a fee of not more than \$50 for the filing of any
4 petition, motion, or request for hearing conducted pursuant to
5 this Section. These fees must be deposited into the Secretary
6 of State DUI Administration Fund, a special fund created in the
7 State treasury, and, subject to appropriation and as directed
8 by the Secretary of State, shall be used for operation of the
9 Department of Administrative Hearings of the Office of the
10 Secretary of State and for no other purpose. The Secretary
11 shall establish by rule the amount and the procedures, terms,
12 and conditions relating to these fees.

13 (b) At any time after the suspension, revocation or denial
14 of a license, permit, registration or certificate of title of
15 any person as hereinbefore referred to, the Secretary of State,
16 in his or her discretion and without the necessity of a request
17 by such person, may hold such a hearing, upon not less than 10
18 days' notice in writing, in the Counties of Sangamon,
19 Jefferson, or Cook or in any other county agreed to by the
20 parties.

21 (c) Upon any such hearing, the Secretary of State, or his
22 authorized agent may administer oaths and issue subpoenas for
23 the attendance of witnesses and the production of relevant
24 books and records and may require an examination of such
25 person. Upon any such hearing, the Secretary of State shall
26 either rescind or, good cause appearing therefor, continue,

1 change or extend the Order of Revocation or Suspension, or upon
2 petition therefore and subject to the provisions of this Code,
3 issue a restricted driving permit or reinstate the license or
4 permit of such person.

5 (d) All hearings and hearing procedures shall comply with
6 requirements of the Constitution, so that no person is deprived
7 of due process of law nor denied equal protection of the laws.
8 All hearings shall be held before the Secretary of State or
9 before such persons as may be designated by the Secretary of
10 State and appropriate records of such hearings shall be kept.
11 Where a transcript of the hearing is taken, the person
12 requesting the hearing shall have the opportunity to order a
13 copy thereof at his own expense. The Secretary of State shall
14 enter an order upon any hearing conducted under this Section,
15 related to a suspension, revocation, or the denial of the
16 issuance of a license, permit, registration, or certificate of
17 title occurring after July 1, 2002, within 90 days of its
18 conclusion and shall immediately notify the person in writing
19 of his or her action.

20 (d-5) Any hearing over which the Secretary of State has
21 jurisdiction because of a person's implied consent to testing
22 of the person's blood, breath, other bodily substance, or urine
23 for the presence of alcohol, drugs, or intoxicating compounds
24 may be conducted upon a review of the official police reports.
25 Either party, however, may subpoena the arresting officer and
26 any other law enforcement officer who was involved in the

1 petitioner's arrest or processing after arrest, as well as any
2 other person whose testimony may be probative to the issues at
3 the hearing. The failure of a law enforcement officer to answer
4 the subpoena shall be considered grounds for a continuance if,
5 in the hearing officer's discretion, the continuance is
6 appropriate. The failure of the arresting officer to answer a
7 subpoena shall not, in and of itself, be considered grounds for
8 the rescission of an implied consent suspension. Rather, the
9 hearing shall proceed on the basis of the other evidence
10 available, and the hearing officer shall assign this evidence
11 whatever probative value is deemed appropriate. The decision
12 whether to rescind shall be based upon the totality of the
13 evidence.

14 (e) The action of the Secretary of State in suspending,
15 revoking or denying any license, permit, registration, or
16 certificate of title shall be subject to judicial review in the
17 Circuit Court of Sangamon County, in the Circuit Court of
18 Jefferson County, or in the Circuit Court of Cook County, and
19 the provisions of the Administrative Review Law, and all
20 amendments and modifications thereto, and the rules adopted
21 pursuant thereto, are hereby adopted and shall apply to and
22 govern every action for the judicial review of final acts or
23 decisions of the Secretary of State hereunder.

24 (Source: P.A. 95-627, eff. 6-1-08; 96-184, eff. 8-10-09.)

25 (625 ILCS 5/2-118.1) (from Ch. 95 1/2, par. 2-118.1)

1 Sec. 2-118.1. Opportunity for hearing; statutory summary
2 alcohol or other drug related suspension or revocation pursuant
3 to Section 11-501.1.

4 (a) A statutory summary suspension or revocation of driving
5 privileges under Section 11-501.1 shall not become effective
6 until the person is notified in writing of the impending
7 suspension or revocation and informed that he may request a
8 hearing in the circuit court of venue under paragraph (b) of
9 this Section and the statutory summary suspension or revocation
10 shall become effective as provided in Section 11-501.1.

11 (b) Within 90 days after the notice of statutory summary
12 suspension or revocation served under Section 11-501.1, the
13 person may make a written request for a judicial hearing in the
14 circuit court of venue. The request to the circuit court shall
15 state the grounds upon which the person seeks to have the
16 statutory summary suspension or revocation rescinded. Within
17 30 days after receipt of the written request or the first
18 appearance date on the Uniform Traffic Ticket issued pursuant
19 to a violation of Section 11-501, or a similar provision of a
20 local ordinance, the hearing shall be conducted by the circuit
21 court having jurisdiction. This judicial hearing, request, or
22 process shall not stay or delay the statutory summary
23 suspension or revocation. The hearings shall proceed in the
24 court in the same manner as in other civil proceedings.

25 The hearing may be conducted upon a review of the law
26 enforcement officer's own official reports; provided however,

1 that the person may subpoena the officer. Failure of the
2 officer to answer the subpoena shall be considered grounds for
3 a continuance if in the court's discretion the continuance is
4 appropriate.

5 The scope of the hearing shall be limited to the issues of:

6 1. Whether the person was placed under arrest for an
7 offense as defined in Section 11-501, or a similar
8 provision of a local ordinance, as evidenced by the
9 issuance of a Uniform Traffic Ticket, or issued a Uniform
10 Traffic Ticket out of state as provided in subsection (a)
11 of Section 11-501.1; and

12 2. Whether the officer had reasonable grounds to
13 believe that the person was driving or in actual physical
14 control of a motor vehicle upon a highway while under the
15 influence of alcohol, other drug, or combination of both;
16 and

17 3. Whether the person, after being advised by the
18 officer that the privilege to operate a motor vehicle would
19 be suspended or revoked if the person refused to submit to
20 and complete the test or tests, did refuse to submit to or
21 complete the test or tests to determine the person's blood
22 alcohol or drug concentration; or

23 4. Whether the person, after being advised by the
24 officer that the privilege to operate a motor vehicle would
25 be suspended if the person submits to a chemical test, or
26 tests, and the test discloses an alcohol concentration of

1 0.08 or more, a tetrahydrocannabinol concentration as
2 defined in paragraph 6 of subsection (a) of Section
3 11-501.2 of this Code, or any amount of a drug, substance,
4 or compound in the person's blood, other bodily substance,
5 or urine resulting from the unlawful use or consumption of
6 ~~cannabis listed in the Cannabis Control Act,~~ a controlled
7 substance listed in the Illinois Controlled Substances
8 Act, an intoxicating compound as listed in the Use of
9 Intoxicating Compounds Act, or methamphetamine as listed
10 in the Methamphetamine Control and Community Protection
11 Act, and the person did submit to and complete the test or
12 tests that determined an alcohol concentration of 0.08 or
13 more.

14 4.2. (Blank).

15 4.5. (Blank).

16 5. If the person's driving privileges were revoked,
17 whether the person was involved in a motor vehicle accident
18 that caused Type A injury or death to another.

19 Upon the conclusion of the judicial hearing, the circuit
20 court shall sustain or rescind the statutory summary suspension
21 or revocation and immediately notify the Secretary of State.
22 Reports received by the Secretary of State under this Section
23 shall be privileged information and for use only by the courts,
24 police officers, and Secretary of State.

25 (Source: P.A. 98-122, eff. 1-1-14; 98-1172, eff. 1-12-15.)

1 (625 ILCS 5/6-106.1a)

2 Sec. 6-106.1a. Cancellation of school bus driver permit;
3 trace of alcohol.

4 (a) A person who has been issued a school bus driver permit
5 by the Secretary of State in accordance with Section 6-106.1 of
6 this Code and who drives or is in actual physical control of a
7 school bus or any other vehicle owned or operated by or for a
8 public or private school, or a school operated by a religious
9 institution, when the vehicle is being used over a regularly
10 scheduled route for the transportation of persons enrolled as
11 students in grade 12 or below, in connection with any activity
12 of the entities listed, upon the public highways of this State
13 shall be deemed to have given consent to a chemical test or
14 tests of blood, breath, other bodily substance, or urine for
15 the purpose of determining the alcohol content of the person's
16 blood if arrested, as evidenced by the issuance of a Uniform
17 Traffic Ticket for any violation of this Code or a similar
18 provision of a local ordinance, if a police officer has
19 probable cause to believe that the driver has consumed any
20 amount of an alcoholic beverage based upon evidence of the
21 driver's physical condition or other first hand knowledge of
22 the police officer. The test or tests shall be administered at
23 the direction of the arresting officer. The law enforcement
24 agency employing the officer shall designate which of the
25 aforesaid tests shall be administered. A urine or other bodily
26 substance test may be administered even after a blood or breath

1 test or both has been administered.

2 (b) A person who is dead, unconscious, or who is otherwise
3 in a condition rendering that person incapable of refusal,
4 shall be deemed not to have withdrawn the consent provided by
5 paragraph (a) of this Section and the test or tests may be
6 administered subject to the following provisions:

7 (1) Chemical analysis of the person's blood, urine,
8 breath, or other bodily substance, to be considered valid
9 under the provisions of this Section, shall have been
10 performed according to standards promulgated by the
11 Department of State Police by an individual possessing a
12 valid permit issued by the Department of State Police for
13 this purpose. The Director of State Police is authorized to
14 approve satisfactory techniques or methods, to ascertain
15 the qualifications and competence of individuals to
16 conduct analyses, to issue permits that shall be subject to
17 termination or revocation at the direction of the
18 Department of State Police, and to certify the accuracy of
19 breath testing equipment. The Department of State Police
20 shall prescribe rules as necessary.

21 (2) When a person submits to a blood test at the
22 request of a law enforcement officer under the provisions
23 of this Section, only a physician authorized to practice
24 medicine, a licensed physician assistant, a licensed
25 advanced practice nurse, a registered nurse, or other
26 qualified person trained in venipuncture and acting under

1 the direction of a licensed physician may withdraw blood
2 for the purpose of determining the alcohol content. This
3 limitation does not apply to the taking of breath, other
4 bodily substance, or urine specimens.

5 (3) The person tested may have a physician, qualified
6 technician, chemist, registered nurse, or other qualified
7 person of his or her own choosing administer a chemical
8 test or tests in addition to any test or tests administered
9 at the direction of a law enforcement officer. The test
10 administered at the request of the person may be admissible
11 into evidence at a hearing conducted in accordance with
12 Section 2-118 of this Code. The failure or inability to
13 obtain an additional test by a person shall not preclude
14 the consideration of the previously performed chemical
15 test.

16 (4) Upon a request of the person who submits to a
17 chemical test or tests at the request of a law enforcement
18 officer, full information concerning the test or tests
19 shall be made available to the person or that person's
20 attorney by the requesting law enforcement agency within 72
21 hours of receipt of the test result.

22 (5) Alcohol concentration means either grams of
23 alcohol per 100 milliliters of blood or grams of alcohol
24 per 210 liters of breath.

25 (6) If a driver is receiving medical treatment as a
26 result of a motor vehicle accident, a physician licensed to

1 practice medicine, licensed physician assistant, licensed
2 advanced practice nurse, registered nurse, or other
3 qualified person trained in venipuncture and acting under
4 the direction of a licensed physician shall withdraw blood
5 for testing purposes to ascertain the presence of alcohol
6 upon the specific request of a law enforcement officer.
7 However, that testing shall not be performed until, in the
8 opinion of the medical personnel on scene, the withdrawal
9 can be made without interfering with or endangering the
10 well-being of the patient.

11 (c) A person requested to submit to a test as provided in
12 this Section shall be warned by the law enforcement officer
13 requesting the test that a refusal to submit to the test, or
14 submission to the test resulting in an alcohol concentration of
15 more than 0.00, may result in the loss of that person's
16 privilege to possess a school bus driver permit. The loss of
17 the individual's privilege to possess a school bus driver
18 permit shall be imposed in accordance with Section 6-106.1b of
19 this Code.

20 (d) If the person refuses testing or submits to a test that
21 discloses an alcohol concentration of more than 0.00, the law
22 enforcement officer shall immediately submit a sworn report to
23 the Secretary of State on a form prescribed by the Secretary of
24 State certifying that the test or tests were requested under
25 subsection (a) and the person refused to submit to a test or
26 tests or submitted to testing which disclosed an alcohol

1 concentration of more than 0.00. The law enforcement officer
2 shall submit the same sworn report when a person who has been
3 issued a school bus driver permit and who was operating a
4 school bus or any other vehicle owned or operated by or for a
5 public or private school, or a school operated by a religious
6 institution, when the vehicle is being used over a regularly
7 scheduled route for the transportation of persons enrolled as
8 students in grade 12 or below, in connection with any activity
9 of the entities listed, submits to testing under Section
10 11-501.1 of this Code and the testing discloses an alcohol
11 concentration of more than 0.00 and less than the alcohol
12 concentration at which driving or being in actual physical
13 control of a motor vehicle is prohibited under paragraph (1) of
14 subsection (a) of Section 11-501.

15 Upon receipt of the sworn report of a law enforcement
16 officer, the Secretary of State shall enter the school bus
17 driver permit sanction on the individual's driving record and
18 the sanction shall be effective on the 46th day following the
19 date notice of the sanction was given to the person.

20 The law enforcement officer submitting the sworn report
21 shall serve immediate notice of this school bus driver permit
22 sanction on the person and the sanction shall be effective on
23 the 46th day following the date notice was given.

24 In cases where the blood alcohol concentration of more than
25 0.00 is established by a subsequent analysis of blood, other
26 bodily substance, or urine, the police officer or arresting

1 agency shall give notice as provided in this Section or by
2 deposit in the United States mail of that notice in an envelope
3 with postage prepaid and addressed to that person at his or her
4 last known address and the loss of the school bus driver permit
5 shall be effective on the 46th day following the date notice
6 was given.

7 Upon receipt of the sworn report of a law enforcement
8 officer, the Secretary of State shall also give notice of the
9 school bus driver permit sanction to the driver and the
10 driver's current employer by mailing a notice of the effective
11 date of the sanction to the individual. However, shall the
12 sworn report be defective by not containing sufficient
13 information or be completed in error, the notice of the school
14 bus driver permit sanction may not be mailed to the person or
15 his current employer or entered to the driving record, but
16 rather the sworn report shall be returned to the issuing law
17 enforcement agency.

18 (e) A driver may contest this school bus driver permit
19 sanction by requesting an administrative hearing with the
20 Secretary of State in accordance with Section 2-118 of this
21 Code. An individual whose blood alcohol concentration is shown
22 to be more than 0.00 is not subject to this Section if he or she
23 consumed alcohol in the performance of a religious service or
24 ceremony. An individual whose blood alcohol concentration is
25 shown to be more than 0.00 shall not be subject to this Section
26 if the individual's blood alcohol concentration resulted only

1 from ingestion of the prescribed or recommended dosage of
2 medicine that contained alcohol. The petition for that hearing
3 shall not stay or delay the effective date of the impending
4 suspension. The scope of this hearing shall be limited to the
5 issues of:

6 (1) whether the police officer had probable cause to
7 believe that the person was driving or in actual physical
8 control of a school bus or any other vehicle owned or
9 operated by or for a public or private school, or a school
10 operated by a religious institution, when the vehicle is
11 being used over a regularly scheduled route for the
12 transportation of persons enrolled as students in grade 12
13 or below, in connection with any activity of the entities
14 listed, upon the public highways of the State and the
15 police officer had reason to believe that the person was in
16 violation of any provision of this Code or a similar
17 provision of a local ordinance; and

18 (2) whether the person was issued a Uniform Traffic
19 Ticket for any violation of this Code or a similar
20 provision of a local ordinance; and

21 (3) whether the police officer had probable cause to
22 believe that the driver had consumed any amount of an
23 alcoholic beverage based upon the driver's physical
24 actions or other first-hand knowledge of the police
25 officer; and

26 (4) whether the person, after being advised by the

1 officer that the privilege to possess a school bus driver
2 permit would be canceled if the person refused to submit to
3 and complete the test or tests, did refuse to submit to or
4 complete the test or tests to determine the person's
5 alcohol concentration; and

6 (5) whether the person, after being advised by the
7 officer that the privileges to possess a school bus driver
8 permit would be canceled if the person submits to a
9 chemical test or tests and the test or tests disclose an
10 alcohol concentration of more than 0.00 and the person did
11 submit to and complete the test or tests that determined an
12 alcohol concentration of more than 0.00; and

13 (6) whether the test result of an alcohol concentration
14 of more than 0.00 was based upon the person's consumption
15 of alcohol in the performance of a religious service or
16 ceremony; and

17 (7) whether the test result of an alcohol concentration
18 of more than 0.00 was based upon the person's consumption
19 of alcohol through ingestion of the prescribed or
20 recommended dosage of medicine.

21 The Secretary of State may adopt administrative rules
22 setting forth circumstances under which the holder of a school
23 bus driver permit is not required to appear in person at the
24 hearing.

25 Provided that the petitioner may subpoena the officer, the
26 hearing may be conducted upon a review of the law enforcement

1 officer's own official reports. Failure of the officer to
2 answer the subpoena shall be grounds for a continuance if, in
3 the hearing officer's discretion, the continuance is
4 appropriate. At the conclusion of the hearing held under
5 Section 2-118 of this Code, the Secretary of State may rescind,
6 continue, or modify the school bus driver permit sanction.

7 (f) The results of any chemical testing performed in
8 accordance with subsection (a) of this Section are not
9 admissible in any civil or criminal proceeding, except that the
10 results of the testing may be considered at a hearing held
11 under Section 2-118 of this Code. However, the results of the
12 testing may not be used to impose driver's license sanctions
13 under Section 11-501.1 of this Code. A law enforcement officer
14 may, however, pursue a statutory summary suspension or
15 revocation of driving privileges under Section 11-501.1 of this
16 Code if other physical evidence or first hand knowledge forms
17 the basis of that suspension or revocation.

18 (g) This Section applies only to drivers who have been
19 issued a school bus driver permit in accordance with Section
20 6-106.1 of this Code at the time of the issuance of the Uniform
21 Traffic Ticket for a violation of this Code or a similar
22 provision of a local ordinance, and a chemical test request is
23 made under this Section.

24 (h) The action of the Secretary of State in suspending,
25 revoking, canceling, or denying any license, permit,
26 registration, or certificate of title shall be subject to

1 judicial review in the Circuit Court of Sangamon County or in
2 the Circuit Court of Cook County, and the provisions of the
3 Administrative Review Law and its rules are hereby adopted and
4 shall apply to and govern every action for the judicial review
5 of final acts or decisions of the Secretary of State under this
6 Section.

7 (Source: P.A. 96-1344, eff. 7-1-11; 97-450, eff. 8-19-11.)

8 (625 ILCS 5/6-208.1) (from Ch. 95 1/2, par. 6-208.1)

9 Sec. 6-208.1. Period of statutory summary alcohol, other
10 drug, or intoxicating compound related suspension or
11 revocation.

12 (a) Unless the statutory summary suspension has been
13 rescinded, any person whose privilege to drive a motor vehicle
14 on the public highways has been summarily suspended, pursuant
15 to Section 11-501.1, shall not be eligible for restoration of
16 the privilege until the expiration of:

17 1. twelve months from the effective date of the
18 statutory summary suspension for a refusal or failure to
19 complete a test or tests to determine the alcohol, other
20 drug, or intoxicating compound concentration under Section
21 11-501.1, if the person was not involved in a motor vehicle
22 accident that caused personal injury or death to another;
23 or

24 2. six months from the effective date of the statutory
25 summary suspension imposed following the person's

1 submission to a chemical test which disclosed an alcohol
2 concentration of 0.08 or more, the presence of cannabis as
3 listed in the Cannabis Control Act with a
4 tetrahydrocannabinol concentration as defined in paragraph
5 6 of subsection (a) of Section 11-501.2 of this Code, or
6 any amount of a drug, substance, or intoxicating compound
7 in such person's breath, blood, other bodily substance, or
8 urine resulting from the unlawful use or consumption of
9 ~~cannabis listed in the Cannabis Control Act,~~ a controlled
10 substance listed in the Illinois Controlled Substances
11 Act, an intoxicating compound listed in the Use of
12 Intoxicating Compounds Act, or methamphetamine as listed
13 in the Methamphetamine Control and Community Protection
14 Act, pursuant to Section 11-501.1; or

15 3. three years from the effective date of the statutory
16 summary suspension for any person other than a first
17 offender who refuses or fails to complete a test or tests
18 to determine the alcohol, drug, or intoxicating compound
19 concentration pursuant to Section 11-501.1; or

20 4. one year from the effective date of the summary
21 suspension imposed for any person other than a first
22 offender following submission to a chemical test which
23 disclosed an alcohol concentration of 0.08 or more pursuant
24 to Section 11-501.1, the presence of cannabis as listed in
25 the Cannabis Control Act with a tetrahydrocannabinol
26 concentration as defined in paragraph 6 of subsection (a)

1 of Section 11-501.2 of this Code, or any amount of a drug,
2 substance or compound in such person's blood, other bodily
3 substance, or urine resulting from the unlawful use or
4 consumption of ~~cannabis listed in the Cannabis Control Act,~~
5 a controlled substance listed in the Illinois Controlled
6 Substances Act, an intoxicating compound listed in the Use
7 of Intoxicating Compounds Act, or methamphetamine as
8 listed in the Methamphetamine Control and Community
9 Protection Act; or

10 5. (Blank).

11 (b) Following a statutory summary suspension of the
12 privilege to drive a motor vehicle under Section 11-501.1,
13 driving privileges shall be restored unless the person is
14 otherwise suspended, revoked, or cancelled by this Code. If the
15 court has reason to believe that the person's driving privilege
16 should not be restored, the court shall notify the Secretary of
17 State prior to the expiration of the statutory summary
18 suspension so appropriate action may be taken pursuant to this
19 Code.

20 (c) Driving privileges may not be restored until all
21 applicable reinstatement fees, as provided by this Code, have
22 been paid to the Secretary of State and the appropriate entry
23 made to the driver's record.

24 (d) Where a driving privilege has been summarily suspended
25 or revoked under Section 11-501.1 and the person is
26 subsequently convicted of violating Section 11-501, or a

1 similar provision of a local ordinance, for the same incident,
2 any period served on statutory summary suspension or revocation
3 shall be credited toward the minimum period of revocation of
4 driving privileges imposed pursuant to Section 6-205.

5 (e) A first offender who refused chemical testing and whose
6 driving privileges were summarily revoked pursuant to Section
7 11-501.1 shall not be eligible for a monitoring device driving
8 permit, but may make application for reinstatement or for a
9 restricted driving permit after a period of one year has
10 elapsed from the effective date of the revocation.

11 (f) (Blank).

12 (g) Following a statutory summary suspension of driving
13 privileges pursuant to Section 11-501.1 where the person was
14 not a first offender, as defined in Section 11-500, the
15 Secretary of State may not issue a restricted driving permit.

16 (h) (Blank).

17 (Source: P.A. 97-229, eff. 7-28-11; 98-122, eff. 1-1-14;
18 98-1015, eff. 8-22-14; 98-1172, eff. 1-12-15.)

19 (625 ILCS 5/6-514) (from Ch. 95 1/2, par. 6-514)

20 (Text of Section before amendment by P.A. 98-176)

21 Sec. 6-514. Commercial driver's license (CDL); commercial
22 learner's permit (CLP); disqualifications.

23 (a) A person shall be disqualified from driving a
24 commercial motor vehicle for a period of not less than 12
25 months for the first violation of:

1 (1) Refusing to submit to or failure to complete a test
2 or tests to determine the driver's blood concentration of
3 alcohol, other drug, or both while driving a commercial
4 motor vehicle or, if the driver is a CDL holder, while
5 driving a non-CMV; or

6 (2) Operating a commercial motor vehicle while the
7 alcohol concentration of the person's blood, breath or
8 urine is at least 0.04, or any amount of a drug, substance,
9 or compound in the person's blood or urine resulting from
10 the unlawful use or consumption of cannabis listed in the
11 Cannabis Control Act, a controlled substance listed in the
12 Illinois Controlled Substances Act, or methamphetamine as
13 listed in the Methamphetamine Control and Community
14 Protection Act as indicated by a police officer's sworn
15 report or other verified evidence; or operating a
16 non-commercial motor vehicle while the alcohol
17 concentration of the person's blood, breath, or urine was
18 above the legal limit defined in Section 11-501.1 or
19 11-501.8 or any amount of a drug, substance, or compound in
20 the person's blood or urine resulting from the unlawful use
21 or consumption of cannabis listed in the Cannabis Control
22 Act, a controlled substance listed in the Illinois
23 Controlled Substances Act, or methamphetamine as listed in
24 the Methamphetamine Control and Community Protection Act
25 as indicated by a police officer's sworn report or other
26 verified evidence while holding a commercial driver's

1 license; or

2 (3) Conviction for a first violation of:

3 (i) Driving a commercial motor vehicle or, if the
4 driver is a CDL holder, driving a non-CMV while under
5 the influence of alcohol, or any other drug, or
6 combination of drugs to a degree which renders such
7 person incapable of safely driving; or

8 (ii) Knowingly leaving the scene of an accident
9 while operating a commercial motor vehicle or, if the
10 driver is a CDL holder, while driving a non-CMV; or

11 (iii) Driving a commercial motor vehicle or, if the
12 driver is a CDL holder, driving a non-CMV while
13 committing any felony; or

14 (iv) Driving a commercial motor vehicle while the
15 person's driving privileges or driver's license or
16 permit is revoked, suspended, or cancelled or the
17 driver is disqualified from operating a commercial
18 motor vehicle; or

19 (v) Causing a fatality through the negligent
20 operation of a commercial motor vehicle, including but
21 not limited to the crimes of motor vehicle
22 manslaughter, homicide by a motor vehicle, and
23 negligent homicide.

24 As used in this subdivision (a) (3) (v), "motor
25 vehicle manslaughter" means the offense of involuntary
26 manslaughter if committed by means of a vehicle;

1 "homicide by a motor vehicle" means the offense of
2 first degree murder or second degree murder, if either
3 offense is committed by means of a vehicle; and
4 "negligent homicide" means reckless homicide under
5 Section 9-3 of the Criminal Code of 1961 or the
6 Criminal Code of 2012 and aggravated driving under the
7 influence of alcohol, other drug or drugs,
8 intoxicating compound or compounds, or any combination
9 thereof under subdivision (d) (1) (F) of Section 11-501
10 of this Code.

11 If any of the above violations or refusals occurred
12 while transporting hazardous material(s) required to be
13 placarded, the person shall be disqualified for a period of
14 not less than 3 years; or

15 (4) (Blank).

16 (b) A person is disqualified for life for a second
17 conviction of any of the offenses specified in paragraph (a),
18 or any combination of those offenses, arising from 2 or more
19 separate incidents.

20 (c) A person is disqualified from driving a commercial
21 motor vehicle for life if the person either (i) uses a
22 commercial motor vehicle in the commission of any felony
23 involving the manufacture, distribution, or dispensing of a
24 controlled substance, or possession with intent to
25 manufacture, distribute or dispense a controlled substance or
26 (ii) if the person is a CDL holder, uses a non-CMV in the

1 commission of a felony involving any of those activities.

2 (d) The Secretary of State may, when the United States
3 Secretary of Transportation so authorizes, issue regulations
4 in which a disqualification for life under paragraph (b) may be
5 reduced to a period of not less than 10 years. If a reinstated
6 driver is subsequently convicted of another disqualifying
7 offense, as specified in subsection (a) of this Section, he or
8 she shall be permanently disqualified for life and shall be
9 ineligible to again apply for a reduction of the lifetime
10 disqualification.

11 (e) A person is disqualified from driving a commercial
12 motor vehicle for a period of not less than 2 months if
13 convicted of 2 serious traffic violations, committed in a
14 commercial motor vehicle, non-CMV while holding a CDL, or any
15 combination thereof, arising from separate incidents,
16 occurring within a 3 year period, provided the serious traffic
17 violation committed in a non-CMV would result in the suspension
18 or revocation of the CDL holder's non-CMV privileges. However,
19 a person will be disqualified from driving a commercial motor
20 vehicle for a period of not less than 4 months if convicted of
21 3 serious traffic violations, committed in a commercial motor
22 vehicle, non-CMV while holding a CDL, or any combination
23 thereof, arising from separate incidents, occurring within a 3
24 year period, provided the serious traffic violation committed
25 in a non-CMV would result in the suspension or revocation of
26 the CDL holder's non-CMV privileges. If all the convictions

1 occurred in a non-CMV, the disqualification shall be entered
2 only if the convictions would result in the suspension or
3 revocation of the CDL holder's non-CMV privileges.

4 (e-1) (Blank).

5 (f) Notwithstanding any other provision of this Code, any
6 driver disqualified from operating a commercial motor vehicle,
7 pursuant to this UCDLA, shall not be eligible for restoration
8 of commercial driving privileges during any such period of
9 disqualification.

10 (g) After suspending, revoking, or cancelling a commercial
11 driver's license, the Secretary of State must update the
12 driver's records to reflect such action within 10 days. After
13 suspending or revoking the driving privilege of any person who
14 has been issued a CDL or commercial driver instruction permit
15 from another jurisdiction, the Secretary shall originate
16 notification to such issuing jurisdiction within 10 days.

17 (h) The "disqualifications" referred to in this Section
18 shall not be imposed upon any commercial motor vehicle driver,
19 by the Secretary of State, unless the prohibited action(s)
20 occurred after March 31, 1992.

21 (i) A person is disqualified from driving a commercial
22 motor vehicle in accordance with the following:

23 (1) For 6 months upon a first conviction of paragraph
24 (2) of subsection (b) or subsection (b-3) of Section 6-507
25 of this Code.

26 (2) For 2 years upon a second conviction of paragraph

1 (2) of subsection (b) or subsection (b-3) or any
2 combination of paragraphs (2) or (3) of subsection (b) or
3 subsections (b-3) or (b-5) of Section 6-507 of this Code
4 within a 10-year period if the second conviction is a
5 violation of paragraph (2) of subsection (b) or subsection
6 (b-3).

7 (3) For 3 years upon a third or subsequent conviction
8 of paragraph (2) of subsection (b) or subsection (b-3) or
9 any combination of paragraphs (2) or (3) of subsection (b)
10 or subsections (b-3) or (b-5) of Section 6-507 of this Code
11 within a 10-year period if the third or subsequent
12 conviction is a violation of paragraph (2) of subsection
13 (b) or subsection (b-3).

14 (4) For one year upon a first conviction of paragraph
15 (3) of subsection (b) or subsection (b-5) of Section 6-507
16 of this Code.

17 (5) For 3 years upon a second conviction of paragraph
18 (3) of subsection (b) or subsection (b-5) or any
19 combination of paragraphs (2) or (3) of subsection (b) or
20 subsections (b-3) or (b-5) of Section 6-507 of this Code
21 within a 10-year period if the second conviction is a
22 violation of paragraph (3) of subsection (b) or (b-5).

23 (6) For 5 years upon a third or subsequent conviction
24 of paragraph (3) of subsection (b) or subsection (b-5) or
25 any combination of paragraphs (2) or (3) of subsection (b)
26 or subsections (b-3) or (b-5) of Section 6-507 of this Code

1 within a 10-year period if the third or subsequent
2 conviction is a violation of paragraph (3) of subsection
3 (b) or (b-5).

4 (j) Disqualification for railroad-highway grade crossing
5 violation.

6 (1) General rule. A driver who is convicted of a
7 violation of a federal, State, or local law or regulation
8 pertaining to one of the following 6 offenses at a
9 railroad-highway grade crossing must be disqualified from
10 operating a commercial motor vehicle for the period of time
11 specified in paragraph (2) of this subsection (j) if the
12 offense was committed while operating a commercial motor
13 vehicle:

14 (i) For drivers who are not required to always
15 stop, failing to slow down and check that the tracks
16 are clear of an approaching train or railroad track
17 equipment, as described in subsection (a-5) of Section
18 11-1201 of this Code;

19 (ii) For drivers who are not required to always
20 stop, failing to stop before reaching the crossing, if
21 the tracks are not clear, as described in subsection
22 (a) of Section 11-1201 of this Code;

23 (iii) For drivers who are always required to stop,
24 failing to stop before driving onto the crossing, as
25 described in Section 11-1202 of this Code;

26 (iv) For all drivers, failing to have sufficient

1 space to drive completely through the crossing without
2 stopping, as described in subsection (b) of Section
3 11-1425 of this Code;

4 (v) For all drivers, failing to obey a traffic
5 control device or the directions of an enforcement
6 official at the crossing, as described in subdivision
7 (a)2 of Section 11-1201 of this Code;

8 (vi) For all drivers, failing to negotiate a
9 crossing because of insufficient undercarriage
10 clearance, as described in subsection (d-1) of Section
11 11-1201 of this Code.

12 (2) Duration of disqualification for railroad-highway
13 grade crossing violation.

14 (i) First violation. A driver must be disqualified
15 from operating a commercial motor vehicle for not less
16 than 60 days if the driver is convicted of a violation
17 described in paragraph (1) of this subsection (j) and,
18 in the three-year period preceding the conviction, the
19 driver had no convictions for a violation described in
20 paragraph (1) of this subsection (j).

21 (ii) Second violation. A driver must be
22 disqualified from operating a commercial motor vehicle
23 for not less than 120 days if the driver is convicted
24 of a violation described in paragraph (1) of this
25 subsection (j) and, in the three-year period preceding
26 the conviction, the driver had one other conviction for

1 a violation described in paragraph (1) of this
2 subsection (j) that was committed in a separate
3 incident.

4 (iii) Third or subsequent violation. A driver must
5 be disqualified from operating a commercial motor
6 vehicle for not less than one year if the driver is
7 convicted of a violation described in paragraph (1) of
8 this subsection (j) and, in the three-year period
9 preceding the conviction, the driver had 2 or more
10 other convictions for violations described in
11 paragraph (1) of this subsection (j) that were
12 committed in separate incidents.

13 (k) Upon notification of a disqualification of a driver's
14 commercial motor vehicle privileges imposed by the U.S.
15 Department of Transportation, Federal Motor Carrier Safety
16 Administration, in accordance with 49 C.F.R. 383.52, the
17 Secretary of State shall immediately record to the driving
18 record the notice of disqualification and confirm to the driver
19 the action that has been taken.

20 (l) A foreign commercial driver is subject to
21 disqualification under this Section.

22 (Source: P.A. 97-333, eff. 8-12-11; 97-1150, eff. 1-25-13;
23 98-122, eff. 1-1-14; 98-722, eff. 7-16-14; 98-756, eff.
24 7-16-14.)

25 (Text of Section after amendment by P.A. 98-176)

1 Sec. 6-514. Commercial driver's license (CDL); commercial
2 learner's permit (CLP); disqualifications.

3 (a) A person shall be disqualified from driving a
4 commercial motor vehicle for a period of not less than 12
5 months for the first violation of:

6 (1) Refusing to submit to or failure to complete a test
7 or tests to determine the driver's blood concentration of
8 alcohol, other drug, or both while driving a commercial
9 motor vehicle or, if the driver is a CLP or CDL holder,
10 while driving a non-CMV; or

11 (2) Operating a commercial motor vehicle while the
12 alcohol concentration of the person's blood, breath, other
13 bodily substance, or urine is at least 0.04, or any amount
14 of a drug, substance, or compound in the person's blood or
15 urine resulting from the unlawful use or consumption of
16 cannabis listed in the Cannabis Control Act, a controlled
17 substance listed in the Illinois Controlled Substances
18 Act, or methamphetamine as listed in the Methamphetamine
19 Control and Community Protection Act as indicated by a
20 police officer's sworn report or other verified evidence;
21 or operating a non-commercial motor vehicle while the
22 alcohol concentration of the person's blood, breath, other
23 bodily substance, or urine was above the legal limit
24 defined in Section 11-501.1 or 11-501.8 or any amount of a
25 drug, substance, or compound in the person's blood, other
26 bodily substance, or urine resulting from the unlawful use

1 or consumption of cannabis listed in the Cannabis Control
2 Act, a controlled substance listed in the Illinois
3 Controlled Substances Act, or methamphetamine as listed in
4 the Methamphetamine Control and Community Protection Act
5 as indicated by a police officer's sworn report or other
6 verified evidence while holding a CLP or CDL; or

7 (3) Conviction for a first violation of:

8 (i) Driving a commercial motor vehicle or, if the
9 driver is a CLP or CDL holder, driving a non-CMV while
10 under the influence of alcohol, or any other drug, or
11 combination of drugs to a degree which renders such
12 person incapable of safely driving; or

13 (ii) Knowingly leaving the scene of an accident
14 while operating a commercial motor vehicle or, if the
15 driver is a CLP or CDL holder, while driving a non-CMV;
16 or

17 (iii) Driving a commercial motor vehicle or, if the
18 driver is a CLP or CDL holder, driving a non-CMV while
19 committing any felony; or

20 (iv) Driving a commercial motor vehicle while the
21 person's driving privileges or driver's license or
22 permit is revoked, suspended, or cancelled or the
23 driver is disqualified from operating a commercial
24 motor vehicle; or

25 (v) Causing a fatality through the negligent
26 operation of a commercial motor vehicle, including but

1 not limited to the crimes of motor vehicle
2 manslaughter, homicide by a motor vehicle, and
3 negligent homicide.

4 As used in this subdivision (a)(3)(v), "motor
5 vehicle manslaughter" means the offense of involuntary
6 manslaughter if committed by means of a vehicle;
7 "homicide by a motor vehicle" means the offense of
8 first degree murder or second degree murder, if either
9 offense is committed by means of a vehicle; and
10 "negligent homicide" means reckless homicide under
11 Section 9-3 of the Criminal Code of 1961 or the
12 Criminal Code of 2012 and aggravated driving under the
13 influence of alcohol, other drug or drugs,
14 intoxicating compound or compounds, or any combination
15 thereof under subdivision (d)(1)(F) of Section 11-501
16 of this Code.

17 If any of the above violations or refusals occurred
18 while transporting hazardous material(s) required to be
19 placarded, the person shall be disqualified for a period of
20 not less than 3 years; or

21 (4) (Blank).

22 (b) A person is disqualified for life for a second
23 conviction of any of the offenses specified in paragraph (a),
24 or any combination of those offenses, arising from 2 or more
25 separate incidents.

26 (c) A person is disqualified from driving a commercial

1 motor vehicle for life if the person either (i) uses a
2 commercial motor vehicle in the commission of any felony
3 involving the manufacture, distribution, or dispensing of a
4 controlled substance, or possession with intent to
5 manufacture, distribute or dispense a controlled substance or
6 (ii) if the person is a CLP or CDL holder, uses a non-CMV in the
7 commission of a felony involving any of those activities.

8 (d) The Secretary of State may, when the United States
9 Secretary of Transportation so authorizes, issue regulations
10 in which a disqualification for life under paragraph (b) may be
11 reduced to a period of not less than 10 years. If a reinstated
12 driver is subsequently convicted of another disqualifying
13 offense, as specified in subsection (a) of this Section, he or
14 she shall be permanently disqualified for life and shall be
15 ineligible to again apply for a reduction of the lifetime
16 disqualification.

17 (e) A person is disqualified from driving a commercial
18 motor vehicle for a period of not less than 2 months if
19 convicted of 2 serious traffic violations, committed in a
20 commercial motor vehicle, non-CMV while holding a CLP or CDL,
21 or any combination thereof, arising from separate incidents,
22 occurring within a 3 year period, provided the serious traffic
23 violation committed in a non-CMV would result in the suspension
24 or revocation of the CLP or CDL holder's non-CMV privileges.
25 However, a person will be disqualified from driving a
26 commercial motor vehicle for a period of not less than 4 months

1 if convicted of 3 serious traffic violations, committed in a
2 commercial motor vehicle, non-CMV while holding a CLP or CDL,
3 or any combination thereof, arising from separate incidents,
4 occurring within a 3 year period, provided the serious traffic
5 violation committed in a non-CMV would result in the suspension
6 or revocation of the CLP or CDL holder's non-CMV privileges. If
7 all the convictions occurred in a non-CMV, the disqualification
8 shall be entered only if the convictions would result in the
9 suspension or revocation of the CLP or CDL holder's non-CMV
10 privileges.

11 (e-1) (Blank).

12 (f) Notwithstanding any other provision of this Code, any
13 driver disqualified from operating a commercial motor vehicle,
14 pursuant to this UCDLA, shall not be eligible for restoration
15 of commercial driving privileges during any such period of
16 disqualification.

17 (g) After suspending, revoking, or cancelling a CLP or CDL,
18 the Secretary of State must update the driver's records to
19 reflect such action within 10 days. After suspending or
20 revoking the driving privilege of any person who has been
21 issued a CLP or CDL from another jurisdiction, the Secretary
22 shall originate notification to such issuing jurisdiction
23 within 10 days.

24 (h) The "disqualifications" referred to in this Section
25 shall not be imposed upon any commercial motor vehicle driver,
26 by the Secretary of State, unless the prohibited action(s)

1 occurred after March 31, 1992.

2 (i) A person is disqualified from driving a commercial
3 motor vehicle in accordance with the following:

4 (1) For 6 months upon a first conviction of paragraph
5 (2) of subsection (b) or subsection (b-3) of Section 6-507
6 of this Code.

7 (2) For 2 years upon a second conviction of paragraph
8 (2) of subsection (b) or subsection (b-3) or any
9 combination of paragraphs (2) or (3) of subsection (b) or
10 subsections (b-3) or (b-5) of Section 6-507 of this Code
11 within a 10-year period if the second conviction is a
12 violation of paragraph (2) of subsection (b) or subsection
13 (b-3).

14 (3) For 3 years upon a third or subsequent conviction
15 of paragraph (2) of subsection (b) or subsection (b-3) or
16 any combination of paragraphs (2) or (3) of subsection (b)
17 or subsections (b-3) or (b-5) of Section 6-507 of this Code
18 within a 10-year period if the third or subsequent
19 conviction is a violation of paragraph (2) of subsection
20 (b) or subsection (b-3).

21 (4) For one year upon a first conviction of paragraph
22 (3) of subsection (b) or subsection (b-5) of Section 6-507
23 of this Code.

24 (5) For 3 years upon a second conviction of paragraph
25 (3) of subsection (b) or subsection (b-5) or any
26 combination of paragraphs (2) or (3) of subsection (b) or

1 subsections (b-3) or (b-5) of Section 6-507 of this Code
2 within a 10-year period if the second conviction is a
3 violation of paragraph (3) of subsection (b) or (b-5).

4 (6) For 5 years upon a third or subsequent conviction
5 of paragraph (3) of subsection (b) or subsection (b-5) or
6 any combination of paragraphs (2) or (3) of subsection (b)
7 or subsections (b-3) or (b-5) of Section 6-507 of this Code
8 within a 10-year period if the third or subsequent
9 conviction is a violation of paragraph (3) of subsection
10 (b) or (b-5).

11 (j) Disqualification for railroad-highway grade crossing
12 violation.

13 (1) General rule. A driver who is convicted of a
14 violation of a federal, State, or local law or regulation
15 pertaining to one of the following 6 offenses at a
16 railroad-highway grade crossing must be disqualified from
17 operating a commercial motor vehicle for the period of time
18 specified in paragraph (2) of this subsection (j) if the
19 offense was committed while operating a commercial motor
20 vehicle:

21 (i) For drivers who are not required to always
22 stop, failing to slow down and check that the tracks
23 are clear of an approaching train or railroad track
24 equipment, as described in subsection (a-5) of Section
25 11-1201 of this Code;

26 (ii) For drivers who are not required to always

1 stop, failing to stop before reaching the crossing, if
2 the tracks are not clear, as described in subsection
3 (a) of Section 11-1201 of this Code;

4 (iii) For drivers who are always required to stop,
5 failing to stop before driving onto the crossing, as
6 described in Section 11-1202 of this Code;

7 (iv) For all drivers, failing to have sufficient
8 space to drive completely through the crossing without
9 stopping, as described in subsection (b) of Section
10 11-1425 of this Code;

11 (v) For all drivers, failing to obey a traffic
12 control device or the directions of an enforcement
13 official at the crossing, as described in subdivision
14 (a)2 of Section 11-1201 of this Code;

15 (vi) For all drivers, failing to negotiate a
16 crossing because of insufficient undercarriage
17 clearance, as described in subsection (d-1) of Section
18 11-1201 of this Code.

19 (2) Duration of disqualification for railroad-highway
20 grade crossing violation.

21 (i) First violation. A driver must be disqualified
22 from operating a commercial motor vehicle for not less
23 than 60 days if the driver is convicted of a violation
24 described in paragraph (1) of this subsection (j) and,
25 in the three-year period preceding the conviction, the
26 driver had no convictions for a violation described in

1 paragraph (1) of this subsection (j).

2 (ii) Second violation. A driver must be
3 disqualified from operating a commercial motor vehicle
4 for not less than 120 days if the driver is convicted
5 of a violation described in paragraph (1) of this
6 subsection (j) and, in the three-year period preceding
7 the conviction, the driver had one other conviction for
8 a violation described in paragraph (1) of this
9 subsection (j) that was committed in a separate
10 incident.

11 (iii) Third or subsequent violation. A driver must
12 be disqualified from operating a commercial motor
13 vehicle for not less than one year if the driver is
14 convicted of a violation described in paragraph (1) of
15 this subsection (j) and, in the three-year period
16 preceding the conviction, the driver had 2 or more
17 other convictions for violations described in
18 paragraph (1) of this subsection (j) that were
19 committed in separate incidents.

20 (k) Upon notification of a disqualification of a driver's
21 commercial motor vehicle privileges imposed by the U.S.
22 Department of Transportation, Federal Motor Carrier Safety
23 Administration, in accordance with 49 C.F.R. 383.52, the
24 Secretary of State shall immediately record to the driving
25 record the notice of disqualification and confirm to the driver
26 the action that has been taken.

1 (1) A foreign commercial driver is subject to
2 disqualification under this Section.

3 (Source: P.A. 97-333, eff. 8-12-11; 97-1150, eff. 1-25-13;
4 98-122, eff. 1-1-14; 98-176, eff. 7-8-15 (see Section 10 of
5 P.A. 98-722 for the effective date of changes made by P.A.
6 98-176); 98-722, eff. 7-16-14; 98-756, eff. 7-16-14; 98-1172,
7 eff. 1-12-15.)

8 (625 ILCS 5/6-517) (from Ch. 95 1/2, par. 6-517)

9 Sec. 6-517. Commercial driver; implied consent warnings.

10 (a) Any person driving a commercial motor vehicle who is
11 requested by a police officer, pursuant to Section 6-516, to
12 submit to a chemical test or tests to determine the alcohol
13 concentration or any amount of a drug, substance, or compound
14 resulting from the unlawful use or consumption of cannabis
15 listed in the Cannabis Control Act, a controlled substance
16 listed in the Illinois Controlled Substances Act, an
17 intoxicating compound listed in the Use of Intoxicating
18 Compounds Act, or methamphetamine as listed in the
19 Methamphetamine Control and Community Protection Act in such
20 person's system, must be warned by the police officer
21 requesting the test or tests that a refusal to submit to the
22 test or tests will result in that person being immediately
23 placed out-of-service for a period of 24 hours and being
24 disqualified from operating a commercial motor vehicle for a
25 period of not less than 12 months; the person shall also be

1 warned that if such person submits to testing which discloses
2 an alcohol concentration of greater than 0.00 but less than
3 0.04 or any amount of a drug, substance, or compound in such
4 person's blood, other bodily substance, or urine resulting from
5 the unlawful use or consumption of cannabis listed in the
6 Cannabis Control Act, a controlled substance listed in the
7 Illinois Controlled Substances Act, an intoxicating compound
8 listed in the Use of Intoxicating Compounds Act, or
9 methamphetamine as listed in the Methamphetamine Control and
10 Community Protection Act, such person shall be placed
11 immediately out-of-service for a period of 24 hours; if the
12 person submits to testing which discloses an alcohol
13 concentration of 0.04 or more or any amount of a drug,
14 substance, or compound in such person's blood, other bodily
15 substance, or urine resulting from the unlawful use or
16 consumption of cannabis listed in the Cannabis Control Act, a
17 controlled substance listed in the Illinois Controlled
18 Substances Act, an intoxicating compound listed in the Use of
19 Intoxicating Compounds Act, or methamphetamine as listed in the
20 Methamphetamine Control and Community Protection Act, such
21 person shall be placed immediately out-of-service and
22 disqualified from driving a commercial motor vehicle for a
23 period of at least 12 months; also the person shall be warned
24 that if such testing discloses an alcohol concentration of
25 0.08, or more or any amount of a drug, substance, or compound
26 in such person's blood, other bodily substance, or urine

1 resulting from the unlawful use or consumption of cannabis
2 listed in the Cannabis Control Act, a controlled substance
3 listed in the Illinois Controlled Substances Act, an
4 intoxicating compound listed in the Use of Intoxicating
5 Compounds Act, or methamphetamine as listed in the
6 Methamphetamine Control and Community Protection Act, in
7 addition to the person being immediately placed out-of-service
8 and disqualified for 12 months as provided in this UCDLA, the
9 results of such testing shall also be admissible in
10 prosecutions for violations of Section 11-501 of this Code, or
11 similar violations of local ordinances, however, such results
12 shall not be used to impose any driving sanctions pursuant to
13 Section 11-501.1 of this Code.

14 The person shall also be warned that any disqualification
15 imposed pursuant to this Section, shall be for life for any
16 such offense or refusal, or combination thereof; including a
17 conviction for violating Section 11-501 while driving a
18 commercial motor vehicle, or similar provisions of local
19 ordinances, committed a second time involving separate
20 incidents.

21 (b) If the person refuses or fails to complete testing, or
22 submits to a test which discloses an alcohol concentration of
23 at least 0.04, or any amount of a drug, substance, or compound
24 in such person's blood, other bodily substance, or urine
25 resulting from the unlawful use or consumption of cannabis
26 listed in the Cannabis Control Act, a controlled substance

1 listed in the Illinois Controlled Substances Act, an
2 intoxicating compound listed in the Use of Intoxicating
3 Compounds Act, or methamphetamine as listed in the
4 Methamphetamine Control and Community Protection Act, the law
5 enforcement officer must submit a Sworn Report to the Secretary
6 of State, in a form prescribed by the Secretary, certifying
7 that the test or tests was requested pursuant to paragraph (a);
8 that the person was warned, as provided in paragraph (a) and
9 that such person refused to submit to or failed to complete
10 testing, or submitted to a test which disclosed an alcohol
11 concentration of 0.04 or more, or any amount of a drug,
12 substance, or compound in such person's blood, other bodily
13 substance, or urine resulting from the unlawful use or
14 consumption of cannabis listed in the Cannabis Control Act, a
15 controlled substance listed in the Illinois Controlled
16 Substances Act, an intoxicating compound listed in the Use of
17 Intoxicating Compounds Act, or methamphetamine as listed in the
18 Methamphetamine Control and Community Protection Act.

19 (c) The police officer submitting the Sworn Report under
20 this Section shall serve notice of the CDL disqualification on
21 the person and such CDL disqualification shall be effective as
22 provided in paragraph (d). In cases where the blood alcohol
23 concentration of 0.04 or more, or any amount of a drug,
24 substance, or compound in such person's blood, other bodily
25 substance, or urine resulting from the unlawful use or
26 consumption of cannabis listed in the Cannabis Control Act, a

1 controlled substance listed in the Illinois Controlled
2 Substances Act, an intoxicating compound listed in the Use of
3 Intoxicating Compounds Act, or methamphetamine as listed in the
4 Methamphetamine Control and Community Protection Act, is
5 established by subsequent analysis of blood, other bodily
6 substance, or urine collected at the time of the request, the
7 police officer shall give notice as provided in this Section or
8 by deposit in the United States mail of such notice as provided
9 in this Section or by deposit in the United States mail of such
10 notice in an envelope with postage prepaid and addressed to
11 such person's domiciliary address as shown on the Sworn Report
12 and the CDL disqualification shall begin as provided in
13 paragraph (d).

14 (d) The CDL disqualification referred to in this Section
15 shall take effect on the 46th day following the date the Sworn
16 Report was given to the affected person.

17 (e) Upon receipt of the Sworn Report from the police
18 officer, the Secretary of State shall disqualify the person
19 from driving any commercial motor vehicle and shall confirm the
20 CDL disqualification by mailing the notice of the effective
21 date to the person. However, should the Sworn Report be
22 defective by not containing sufficient information or be
23 completed in error, the confirmation of the CDL
24 disqualification shall not be mailed to the affected person or
25 entered into the record, instead the Sworn Report shall be
26 forwarded to the issuing agency identifying any such defect.

1 (Source: P.A. 95-355, eff. 1-1-08.)

2 (625 ILCS 5/11-401) (from Ch. 95 1/2, par. 11-401)

3 Sec. 11-401. Motor vehicle accidents involving death or
4 personal injuries.

5 (a) The driver of any vehicle involved in a motor vehicle
6 accident resulting in personal injury to or death of any person
7 shall immediately stop such vehicle at the scene of such
8 accident, or as close thereto as possible and shall then
9 forthwith return to, and in every event shall remain at the
10 scene of the accident until the requirements of Section 11-403
11 have been fulfilled. Every such stop shall be made without
12 obstructing traffic more than is necessary.

13 (b) Any person who has failed to stop or to comply with the
14 requirements of paragraph (a) shall, as soon as possible but in
15 no case later than one-half hour after such motor vehicle
16 accident, or, if hospitalized and incapacitated from reporting
17 at any time during such period, as soon as possible but in no
18 case later than one-half hour after being discharged from the
19 hospital, report the place of the accident, the date, the
20 approximate time, the driver's name and address, the
21 registration number of the vehicle driven, and the names of all
22 other occupants of such vehicle, at a police station or
23 sheriff's office near the place where such accident occurred.
24 No report made as required under this paragraph shall be used,
25 directly or indirectly, as a basis for the prosecution of any

1 violation of paragraph (a).

2 (b-1) Any person arrested for violating this Section is
3 subject to chemical testing of his or her blood, breath, other
4 bodily substance, or urine for the presence of alcohol, other
5 drug or drugs, intoxicating compound or compounds, or any
6 combination thereof, as provided in Section 11-501.1, if the
7 testing occurs within 12 hours of the time of the occurrence of
8 the accident that led to his or her arrest. The person's
9 driving privileges are subject to statutory summary suspension
10 under Section 11-501.1 if he or she fails testing or statutory
11 summary revocation under Section 11-501.1 if he or she refuses
12 to undergo the testing.

13 For purposes of this Section, personal injury shall mean
14 any injury requiring immediate professional treatment in a
15 medical facility or doctor's office.

16 (c) Any person failing to comply with paragraph (a) shall
17 be guilty of a Class 4 felony.

18 (d) Any person failing to comply with paragraph (b) is
19 guilty of a Class 2 felony if the motor vehicle accident does
20 not result in the death of any person. Any person failing to
21 comply with paragraph (b) when the accident results in the
22 death of any person is guilty of a Class 1 felony.

23 (e) The Secretary of State shall revoke the driving
24 privilege of any person convicted of a violation of this
25 Section.

26 (Source: P.A. 95-347, eff. 1-1-08; 96-1344, eff. 7-1-11.)

1 (625 ILCS 5/11-500) (from Ch. 95 1/2, par. 11-500)

2 Sec. 11-500. Definitions. For the purposes of interpreting
3 Sections 6-206.1 and 6-208.1 of this Code, "first offender"
4 shall mean any person who has not had a previous conviction or
5 court assigned supervision for violating Section 11-501, or a
6 similar provision of a local ordinance, or a conviction in any
7 other state for a violation of driving while under the
8 influence or a similar offense where the cause of action is the
9 same or substantially similar to this Code or similar offenses
10 committed on a military installation, or any person who has not
11 had a driver's license suspension pursuant to paragraph 6 of
12 subsection (a) of Section 6-206 as the result of refusal of
13 chemical testing in another state, or any person who has not
14 had a driver's license suspension or revocation for violating
15 Section 11-501.1 within 5 years prior to the date of the
16 current offense, except in cases where the driver submitted to
17 chemical testing resulting in an alcohol concentration of 0.08
18 or more, or any amount of a drug, substance, or compound in
19 such person's blood, other bodily substance, or urine resulting
20 from the unlawful use or consumption of cannabis listed in the
21 Cannabis Control Act, a controlled substance listed in the
22 Illinois Controlled Substances Act, or an intoxicating
23 compound listed in the Use of Intoxicating Compounds Act, or
24 methamphetamine as listed in the Methamphetamine Control and
25 Community Protection Act and was subsequently found not guilty

1 of violating Section 11-501, or a similar provision of a local
2 ordinance.

3 (Source: P.A. 95-355, eff. 1-1-08; 96-607, eff. 8-24-09;
4 96-1344, eff. 7-1-11.)

5 (625 ILCS 5/11-500.1)

6 Sec. 11-500.1. Immunity.

7 (a) A person authorized under this Article to withdraw
8 blood or collect urine or other bodily substance shall not be
9 civilly liable for damages when the person, in good faith,
10 withdraws blood or collects urine or other bodily substance for
11 evidentiary purposes under this Code, upon the request of a law
12 enforcement officer, unless the act is performed in a willful
13 and wanton manner.

14 (b) As used in this Section, "willful and wanton manner"
15 means a course of action that shows an actual or deliberate
16 intention to cause harm or which, if not intentional, shows an
17 utter indifference to or conscious disregard for the health or
18 safety of another.

19 (Source: P.A. 89-689, eff. 12-31-96.)

20 (625 ILCS 5/11-501) (from Ch. 95 1/2, par. 11-501)

21 Sec. 11-501. Driving while under the influence of alcohol,
22 other drug or drugs, intoxicating compound or compounds or any
23 combination thereof.

24 (a) A person shall not drive or be in actual physical

1 control of any vehicle within this State while:

2 (1) the alcohol concentration in the person's blood,
3 other bodily substance, or breath is 0.08 or more based on
4 the definition of blood and breath units in Section
5 11-501.2;

6 (2) under the influence of alcohol;

7 (3) under the influence of any intoxicating compound or
8 combination of intoxicating compounds to a degree that
9 renders the person incapable of driving safely;

10 (4) under the influence of any other drug or
11 combination of drugs to a degree that renders the person
12 incapable of safely driving;

13 (5) under the combined influence of alcohol, other drug
14 or drugs, or intoxicating compound or compounds to a degree
15 that renders the person incapable of safely driving; ~~or~~

16 (6) there is any amount of a drug, substance, or
17 compound in the person's breath, blood, other bodily
18 substance, or urine resulting from the unlawful use or
19 consumption of ~~cannabis listed in the Cannabis Control Act,~~
20 a controlled substance listed in the Illinois Controlled
21 Substances Act, an intoxicating compound listed in the Use
22 of Intoxicating Compounds Act, or methamphetamine as
23 listed in the Methamphetamine Control and Community
24 Protection Act; or

25 (7) the person has, within 2 hours of driving or being
26 in actual physical control of a vehicle, a

1 tetrahydrocannabinol concentration in the person's whole
2 blood or other bodily substance as defined in paragraph 6
3 of subsection (a) of Section 11-501.2. Subject to all other
4 requirements and provisions under this Section, this
5 paragraph (7) ~~(6)~~ does not apply to the lawful consumption
6 of cannabis by a qualifying patient licensed under the
7 Compassionate Use of Medical Cannabis Pilot Program Act who
8 is in possession of a valid registry card issued under that
9 Act, unless that person is impaired by the use of cannabis.

10 (b) The fact that any person charged with violating this
11 Section is or has been legally entitled to use alcohol,
12 cannabis under the Compassionate Use of Medical Cannabis Pilot
13 Program Act, other drug or drugs, or intoxicating compound or
14 compounds, or any combination thereof, shall not constitute a
15 defense against any charge of violating this Section.

16 (c) Penalties.

17 (1) Except as otherwise provided in this Section, any
18 person convicted of violating subsection (a) of this
19 Section is guilty of a Class A misdemeanor.

20 (2) A person who violates subsection (a) or a similar
21 provision a second time shall be sentenced to a mandatory
22 minimum term of either 5 days of imprisonment or 240 hours
23 of community service in addition to any other criminal or
24 administrative sanction.

25 (3) A person who violates subsection (a) is subject to
26 6 months of imprisonment, an additional mandatory minimum

1 fine of \$1,000, and 25 days of community service in a
2 program benefiting children if the person was transporting
3 a person under the age of 16 at the time of the violation.

4 (4) A person who violates subsection (a) a first time,
5 if the alcohol concentration in his or her blood, breath,
6 other bodily substance, or urine was 0.16 or more based on
7 the definition of blood, breath, other bodily substance, or
8 urine units in Section 11-501.2, shall be subject, in
9 addition to any other penalty that may be imposed, to a
10 mandatory minimum of 100 hours of community service and a
11 mandatory minimum fine of \$500.

12 (5) A person who violates subsection (a) a second time,
13 if at the time of the second violation the alcohol
14 concentration in his or her blood, breath, other bodily
15 substance, or urine was 0.16 or more based on the
16 definition of blood, breath, other bodily substance, or
17 urine units in Section 11-501.2, shall be subject, in
18 addition to any other penalty that may be imposed, to a
19 mandatory minimum of 2 days of imprisonment and a mandatory
20 minimum fine of \$1,250.

21 (d) Aggravated driving under the influence of alcohol,
22 other drug or drugs, or intoxicating compound or compounds, or
23 any combination thereof.

24 (1) Every person convicted of committing a violation of
25 this Section shall be guilty of aggravated driving under
26 the influence of alcohol, other drug or drugs, or

1 intoxicating compound or compounds, or any combination
2 thereof if:

3 (A) the person committed a violation of subsection
4 (a) or a similar provision for the third or subsequent
5 time;

6 (B) the person committed a violation of subsection
7 (a) while driving a school bus with one or more
8 passengers on board;

9 (C) the person in committing a violation of
10 subsection (a) was involved in a motor vehicle accident
11 that resulted in great bodily harm or permanent
12 disability or disfigurement to another, when the
13 violation was a proximate cause of the injuries;

14 (D) the person committed a violation of subsection
15 (a) and has been previously convicted of violating
16 Section 9-3 of the Criminal Code of 1961 or the
17 Criminal Code of 2012 or a similar provision of a law
18 of another state relating to reckless homicide in which
19 the person was determined to have been under the
20 influence of alcohol, other drug or drugs, or
21 intoxicating compound or compounds as an element of the
22 offense or the person has previously been convicted
23 under subparagraph (C) or subparagraph (F) of this
24 paragraph (1);

25 (E) the person, in committing a violation of
26 subsection (a) while driving at any speed in a school

1 speed zone at a time when a speed limit of 20 miles per
2 hour was in effect under subsection (a) of Section
3 11-605 of this Code, was involved in a motor vehicle
4 accident that resulted in bodily harm, other than great
5 bodily harm or permanent disability or disfigurement,
6 to another person, when the violation of subsection (a)
7 was a proximate cause of the bodily harm;

8 (F) the person, in committing a violation of
9 subsection (a), was involved in a motor vehicle,
10 snowmobile, all-terrain vehicle, or watercraft
11 accident that resulted in the death of another person,
12 when the violation of subsection (a) was a proximate
13 cause of the death;

14 (G) the person committed a violation of subsection
15 (a) during a period in which the defendant's driving
16 privileges are revoked or suspended, where the
17 revocation or suspension was for a violation of
18 subsection (a) or a similar provision, Section
19 11-501.1, paragraph (b) of Section 11-401, or for
20 reckless homicide as defined in Section 9-3 of the
21 Criminal Code of 1961 or the Criminal Code of 2012;

22 (H) the person committed the violation while he or
23 she did not possess a driver's license or permit or a
24 restricted driving permit or a judicial driving permit
25 or a monitoring device driving permit;

26 (I) the person committed the violation while he or

1 she knew or should have known that the vehicle he or
2 she was driving was not covered by a liability
3 insurance policy;

4 (J) the person in committing a violation of
5 subsection (a) was involved in a motor vehicle accident
6 that resulted in bodily harm, but not great bodily
7 harm, to the child under the age of 16 being
8 transported by the person, if the violation was the
9 proximate cause of the injury;

10 (K) the person in committing a second violation of
11 subsection (a) or a similar provision was transporting
12 a person under the age of 16; or

13 (L) the person committed a violation of subsection
14 (a) of this Section while transporting one or more
15 passengers in a vehicle for-hire.

16 (2) (A) Except as provided otherwise, a person
17 convicted of aggravated driving under the influence of
18 alcohol, other drug or drugs, or intoxicating compound or
19 compounds, or any combination thereof is guilty of a Class
20 4 felony.

21 (B) A third violation of this Section or a similar
22 provision is a Class 2 felony. If at the time of the third
23 violation the alcohol concentration in his or her blood,
24 breath, other bodily substance, or urine was 0.16 or more
25 based on the definition of blood, breath, other bodily
26 substance, or urine units in Section 11-501.2, a mandatory

1 minimum of 90 days of imprisonment and a mandatory minimum
2 fine of \$2,500 shall be imposed in addition to any other
3 criminal or administrative sanction. If at the time of the
4 third violation, the defendant was transporting a person
5 under the age of 16, a mandatory fine of \$25,000 and 25
6 days of community service in a program benefiting children
7 shall be imposed in addition to any other criminal or
8 administrative sanction.

9 (C) A fourth violation of this Section or a similar
10 provision is a Class 2 felony, for which a sentence of
11 probation or conditional discharge may not be imposed. If
12 at the time of the violation, the alcohol concentration in
13 the defendant's blood, breath, other bodily substance, or
14 urine was 0.16 or more based on the definition of blood,
15 breath, other bodily substance, or urine units in Section
16 11-501.2, a mandatory minimum fine of \$5,000 shall be
17 imposed in addition to any other criminal or administrative
18 sanction. If at the time of the fourth violation, the
19 defendant was transporting a person under the age of 16 a
20 mandatory fine of \$25,000 and 25 days of community service
21 in a program benefiting children shall be imposed in
22 addition to any other criminal or administrative sanction.

23 (D) A fifth violation of this Section or a similar
24 provision is a Class 1 felony, for which a sentence of
25 probation or conditional discharge may not be imposed. If
26 at the time of the violation, the alcohol concentration in

1 the defendant's blood, breath, other bodily substance, or
2 urine was 0.16 or more based on the definition of blood,
3 breath, other bodily substance, or urine units in Section
4 11-501.2, a mandatory minimum fine of \$5,000 shall be
5 imposed in addition to any other criminal or administrative
6 sanction. If at the time of the fifth violation, the
7 defendant was transporting a person under the age of 16, a
8 mandatory fine of \$25,000, and 25 days of community service
9 in a program benefiting children shall be imposed in
10 addition to any other criminal or administrative sanction.

11 (E) A sixth or subsequent violation of this Section or
12 similar provision is a Class X felony. If at the time of
13 the violation, the alcohol concentration in the
14 defendant's blood, breath, other bodily substance, or
15 urine was 0.16 or more based on the definition of blood,
16 breath, other bodily substance, or urine units in Section
17 11-501.2, a mandatory minimum fine of \$5,000 shall be
18 imposed in addition to any other criminal or administrative
19 sanction. If at the time of the violation, the defendant
20 was transporting a person under the age of 16, a mandatory
21 fine of \$25,000 and 25 days of community service in a
22 program benefiting children shall be imposed in addition to
23 any other criminal or administrative sanction.

24 (F) For a violation of subparagraph (C) of paragraph
25 (1) of this subsection (d), the defendant, if sentenced to
26 a term of imprisonment, shall be sentenced to not less than

1 one year nor more than 12 years.

2 (G) A violation of subparagraph (F) of paragraph (1) of
3 this subsection (d) is a Class 2 felony, for which the
4 defendant, unless the court determines that extraordinary
5 circumstances exist and require probation, shall be
6 sentenced to: (i) a term of imprisonment of not less than 3
7 years and not more than 14 years if the violation resulted
8 in the death of one person; or (ii) a term of imprisonment
9 of not less than 6 years and not more than 28 years if the
10 violation resulted in the deaths of 2 or more persons.

11 (H) For a violation of subparagraph (J) of paragraph
12 (1) of this subsection (d), a mandatory fine of \$2,500, and
13 25 days of community service in a program benefiting
14 children shall be imposed in addition to any other criminal
15 or administrative sanction.

16 (I) A violation of subparagraph (K) of paragraph (1) of
17 this subsection (d), is a Class 2 felony and a mandatory
18 fine of \$2,500, and 25 days of community service in a
19 program benefiting children shall be imposed in addition to
20 any other criminal or administrative sanction. If the child
21 being transported suffered bodily harm, but not great
22 bodily harm, in a motor vehicle accident, and the violation
23 was the proximate cause of that injury, a mandatory fine of
24 \$5,000 and 25 days of community service in a program
25 benefiting children shall be imposed in addition to any
26 other criminal or administrative sanction.

1 (J) A violation of subparagraph (D) of paragraph (1) of
2 this subsection (d) is a Class 3 felony, for which a
3 sentence of probation or conditional discharge may not be
4 imposed.

5 (3) Any person sentenced under this subsection (d) who
6 receives a term of probation or conditional discharge must
7 serve a minimum term of either 480 hours of community
8 service or 10 days of imprisonment as a condition of the
9 probation or conditional discharge in addition to any other
10 criminal or administrative sanction.

11 (e) Any reference to a prior violation of subsection (a) or
12 a similar provision includes any violation of a provision of a
13 local ordinance or a provision of a law of another state or an
14 offense committed on a military installation that is similar to
15 a violation of subsection (a) of this Section.

16 (f) The imposition of a mandatory term of imprisonment or
17 assignment of community service for a violation of this Section
18 shall not be suspended or reduced by the court.

19 (g) Any penalty imposed for driving with a license that has
20 been revoked for a previous violation of subsection (a) of this
21 Section shall be in addition to the penalty imposed for any
22 subsequent violation of subsection (a).

23 (h) For any prosecution under this Section, a certified
24 copy of the driving abstract of the defendant shall be admitted
25 as proof of any prior conviction.

26 (Source: P.A. 97-1150, eff. 1-25-13; 98-122, eff. 1-1-14;

1 98-573, eff. 8-27-13; 98-756, eff. 7-16-14.)

2 (625 ILCS 5/11-501.1)

3 Sec. 11-501.1. Suspension of drivers license; statutory
4 summary alcohol, other drug or drugs, or intoxicating compound
5 or compounds related suspension or revocation; implied
6 consent.

7 (a) Any person who drives or is in actual physical control
8 of a motor vehicle upon the public highways of this State shall
9 be deemed to have given consent, subject to the provisions of
10 Section 11-501.2, to a chemical test or tests of blood, breath,
11 other bodily substance, or urine for the purpose of determining
12 the content of alcohol, other drug or drugs, or intoxicating
13 compound or compounds or any combination thereof in the
14 person's blood if arrested, as evidenced by the issuance of a
15 Uniform Traffic Ticket, for any offense as defined in Section
16 11-501 or a similar provision of a local ordinance, or if
17 arrested for violating Section 11-401. If a law enforcement
18 officer has probable cause to believe the person was under the
19 influence of alcohol, other drug or drugs, intoxicating
20 compound or compounds, or any combination thereof, the law
21 enforcement officer shall request a chemical test or tests
22 which shall be administered at the direction of the arresting
23 officer. The law enforcement agency employing the officer shall
24 designate which of the aforesaid tests shall be administered.
25 Up to 2 additional tests of A urine or other bodily substance

1 ~~test~~ may be administered even after a blood or breath test or
2 both has been administered. For purposes of this Section, an
3 Illinois law enforcement officer of this State who is
4 investigating the person for any offense defined in Section
5 11-501 may travel into an adjoining state, where the person has
6 been transported for medical care, to complete an investigation
7 and to request that the person submit to the test or tests set
8 forth in this Section. The requirements of this Section that
9 the person be arrested are inapplicable, but the officer shall
10 issue the person a Uniform Traffic Ticket for an offense as
11 defined in Section 11-501 or a similar provision of a local
12 ordinance prior to requesting that the person submit to the
13 test or tests. The issuance of the Uniform Traffic Ticket shall
14 not constitute an arrest, but shall be for the purpose of
15 notifying the person that he or she is subject to the
16 provisions of this Section and of the officer's belief of the
17 existence of probable cause to arrest. Upon returning to this
18 State, the officer shall file the Uniform Traffic Ticket with
19 the Circuit Clerk of the county where the offense was
20 committed, and shall seek the issuance of an arrest warrant or
21 a summons for the person.

22 (a-5) (Blank).

23 (b) Any person who is dead, unconscious, or who is
24 otherwise in a condition rendering the person incapable of
25 refusal, shall be deemed not to have withdrawn the consent
26 provided by paragraph (a) of this Section and the test or tests

1 may be administered, subject to the provisions of Section
2 11-501.2.

3 (c) A person requested to submit to a test as provided
4 above shall be warned by the law enforcement officer requesting
5 the test that a refusal to submit to the test will result in
6 the statutory summary suspension of the person's privilege to
7 operate a motor vehicle, as provided in Section 6-208.1 of this
8 Code, and will also result in the disqualification of the
9 person's privilege to operate a commercial motor vehicle, as
10 provided in Section 6-514 of this Code, if the person is a CDL
11 holder. The person shall also be warned that a refusal to
12 submit to the test, when the person was involved in a motor
13 vehicle accident that caused personal injury or death to
14 another, will result in the statutory summary revocation of the
15 person's privilege to operate a motor vehicle, as provided in
16 Section 6-208.1, and will also result in the disqualification
17 of the person's privilege to operate a commercial motor
18 vehicle, as provided in Section 6-514 of this Code, if the
19 person is a CDL holder. The person shall also be warned by the
20 law enforcement officer that if the person submits to the test
21 or tests provided in paragraph (a) of this Section and the
22 alcohol concentration in the person's blood, other bodily
23 substance, or breath is 0.08 or greater, or testing discloses
24 the presence of cannabis as listed in the Cannabis Control Act
25 with a tetrahydrocannabinol concentration as defined in
26 paragraph 6 of subsection (a) of Section 11-501.2 of this Code,

1 or any amount of a drug, substance, or compound resulting from
2 the unlawful use or consumption of ~~cannabis as covered by the~~
3 ~~Cannabis Control Act,~~ a controlled substance listed in the
4 Illinois Controlled Substances Act, an intoxicating compound
5 listed in the Use of Intoxicating Compounds Act, or
6 methamphetamine as listed in the Methamphetamine Control and
7 Community Protection Act is detected in the person's blood,
8 other bodily substance, or urine, a statutory summary
9 suspension of the person's privilege to operate a motor
10 vehicle, as provided in Sections 6-208.1 and 11-501.1 of this
11 Code, will be imposed. If the person is also a CDL holder he or
12 she shall be warned by the law enforcement officer that if the
13 person submits to the test or tests provided in paragraph (a)
14 of this Section and the alcohol concentration in the person's
15 blood, other bodily substance, or breath is 0.08 or greater, or
16 any amount of a drug, substance, or compound resulting from the
17 unlawful use or consumption of cannabis as covered by the
18 Cannabis Control Act, a controlled substance listed in the
19 Illinois Controlled Substances Act, an intoxicating compound
20 listed in the Use of Intoxicating Compounds Act, or
21 methamphetamine as listed in the Methamphetamine Control and
22 Community Protection Act is detected in the person's blood,
23 other bodily substance, or urine ~~and~~ a disqualification of the
24 person's privilege to operate a commercial motor vehicle, as
25 provided in Section 6-514 of this Code, ~~if the person is a CDL~~
26 ~~holder,~~ will be imposed.

1 A person who is under the age of 21 at the time the person
2 is requested to submit to a test as provided above shall, in
3 addition to the warnings provided for in this Section, be
4 further warned by the law enforcement officer requesting the
5 test that if the person submits to the test or tests provided
6 in paragraph (a) of this Section and the alcohol concentration
7 in the person's blood, other bodily substance, or breath is
8 greater than 0.00 and less than 0.08, a suspension of the
9 person's privilege to operate a motor vehicle, as provided
10 under Sections 6-208.2 and 11-501.8 of this Code, will be
11 imposed. The results of this test shall be admissible in a
12 civil or criminal action or proceeding arising from an arrest
13 for an offense as defined in Section 11-501 of this Code or a
14 similar provision of a local ordinance or pursuant to Section
15 11-501.4 in prosecutions for reckless homicide brought under
16 the Criminal Code of 1961 or the Criminal Code of 2012. These
17 test results, however, shall be admissible only in actions or
18 proceedings directly related to the incident upon which the
19 test request was made.

20 (d) If the person refuses testing or submits to a test that
21 discloses an alcohol concentration of 0.08 or more, or testing
22 discloses the presence of cannabis as listed in the Cannabis
23 Control Act with a tetrahydrocannabinol concentration as
24 defined in paragraph 6 of subsection (a) of Section 11-501.2 of
25 this Code, or any amount of a drug, substance, or intoxicating
26 compound in the person's breath, blood, other bodily substance,

1 or urine resulting from the unlawful use or consumption of
2 ~~cannabis listed in the Cannabis Control Act,~~ a controlled
3 substance listed in the Illinois Controlled Substances Act, an
4 intoxicating compound listed in the Use of Intoxicating
5 Compounds Act, or methamphetamine as listed in the
6 Methamphetamine Control and Community Protection Act, the law
7 enforcement officer shall immediately submit a sworn report to
8 the circuit court of venue and the Secretary of State,
9 certifying that the test or tests was or were requested under
10 paragraph (a) and the person refused to submit to a test, or
11 tests, or submitted to testing that disclosed an alcohol
12 concentration of 0.08 or more, testing discloses the presence
13 of cannabis as listed in the Cannabis Control Act with a
14 tetrahydrocannabinol concentration as defined in paragraph 6
15 of subsection (a) of Section 11-501.2 of this Code, or any
16 amount of a drug, substance, or intoxicating compound in the
17 person's breath, blood, other bodily substance, or urine
18 resulting from the unlawful use or consumption of a controlled
19 substance listed in the Illinois Controlled Substances Act, an
20 intoxicating compound listed in the Use of Intoxicating
21 Compounds Act, or methamphetamine as listed in the
22 Methamphetamine Control and Community Protection Act. If the
23 person is also a CDL holder and refuses testing or submits to a
24 test that discloses an alcohol concentration of 0.08 or more,
25 or any amount of a drug, substance, or intoxicating compound in
26 the person's breath, blood, other bodily substance, or urine

1 resulting from the unlawful use or consumption of cannabis
2 listed in the Cannabis Control Act, a controlled substance
3 listed in the Illinois Controlled Substances Act, an
4 intoxicating compound listed in the Use of Intoxicating
5 Compounds Act, or methamphetamine as listed in the
6 Methamphetamine Control and Community Protection Act, the law
7 enforcement officer shall also immediately submit a sworn
8 report to the circuit court of venue and the Secretary of
9 State, certifying that the test or tests was or were requested
10 under paragraph (a) and the person refused to submit to a test,
11 or tests, or submitted to testing that disclosed an alcohol
12 concentration of 0.08 or more, or any amount of a drug,
13 substance, or intoxicating compound in the person's breath,
14 blood, other bodily substance, or urine resulting from the
15 unlawful use or consumption of cannabis listed in the Cannabis
16 Control Act, a controlled substance listed in the Illinois
17 Controlled Substances Act, an intoxicating compound listed in
18 the Use of Intoxicating Compounds Act, or methamphetamine as
19 listed in the Methamphetamine Control and Community Protection
20 Act.

21 (e) Upon receipt of the sworn report of a law enforcement
22 officer submitted under paragraph (d), the Secretary of State
23 shall enter the statutory summary suspension or revocation and
24 disqualification for the periods specified in Sections 6-208.1
25 and 6-514, respectively, and effective as provided in paragraph
26 (g).

1 If the person is a first offender as defined in Section
2 11-500 of this Code, and is not convicted of a violation of
3 Section 11-501 of this Code or a similar provision of a local
4 ordinance, then reports received by the Secretary of State
5 under this Section shall, except during the actual time the
6 Statutory Summary Suspension is in effect, be privileged
7 information and for use only by the courts, police officers,
8 prosecuting authorities or the Secretary of State, unless the
9 person is a CDL holder, is operating a commercial motor vehicle
10 or vehicle required to be placarded for hazardous materials, in
11 which case the suspension shall not be privileged. Reports
12 received by the Secretary of State under this Section shall
13 also be made available to the parent or guardian of a person
14 under the age of 18 years that holds an instruction permit or a
15 graduated driver's license, regardless of whether the
16 statutory summary suspension is in effect. A statutory summary
17 revocation shall not be privileged information.

18 (f) The law enforcement officer submitting the sworn report
19 under paragraph (d) shall serve immediate notice of the
20 statutory summary suspension or revocation on the person and
21 the suspension or revocation and disqualification shall be
22 effective as provided in paragraph (g).

23 (1) In cases involving a person who is not a CDL holder
24 where the blood alcohol concentration of 0.08 or greater or
25 any amount of a drug, substance, or compound resulting from
26 the unlawful use or consumption of ~~cannabis as covered by~~

1 ~~the Cannabis Control Act,~~ a controlled substance listed in
2 the Illinois Controlled Substances Act, an intoxicating
3 compound listed in the Use of Intoxicating Compounds Act,
4 or methamphetamine as listed in the Methamphetamine
5 Control and Community Protection Act is established by a
6 subsequent analysis of blood, other bodily substance, or
7 urine or analysis of whole blood or other bodily substance
8 establishes a tetrahydrocannabinol concentration as
9 defined in paragraph 6 of subsection (a) of Section
10 11-501.2 of this Code, collected at the time of arrest, the
11 arresting officer or arresting agency shall give notice as
12 provided in this Section or by deposit in the United States
13 mail of the notice in an envelope with postage prepaid and
14 addressed to the person at his or her address as shown on
15 the Uniform Traffic Ticket and the statutory summary
16 suspension ~~and disqualification~~ shall begin as provided in
17 paragraph (g).

18 (1.3) In cases involving a person who is a CDL holder
19 where the blood alcohol concentration of 0.08 or greater or
20 any amount of a drug, substance, or compound resulting from
21 the unlawful use or consumption of cannabis as covered by
22 the Cannabis Control Act, a controlled substance listed in
23 the Illinois Controlled Substances Act, an intoxicating
24 compound listed in the Use of Intoxicating Compounds Act,
25 or methamphetamine as listed in the Methamphetamine
26 Control and Community Protection Act is established by a

1 subsequent analysis of blood, other bodily substance, or
2 urine collected at the time of arrest, the arresting
3 officer or arresting agency shall give notice as provided
4 in this Section or by deposit in the United States mail of
5 the notice in an envelope with postage prepaid and
6 addressed to the person at his or her address as shown on
7 the Uniform Traffic Ticket and the statutory summary
8 suspension and disqualification shall begin as provided in
9 paragraph (g).

10 (1.5) The officer shall confiscate any Illinois
11 driver's license or permit on the person at the time of
12 arrest. If the person has a valid driver's license or
13 permit, the officer shall issue the person a receipt, in a
14 form prescribed by the Secretary of State, that will allow
15 that person to drive during the periods provided for in
16 paragraph (g). The officer shall immediately forward the
17 driver's license or permit to the circuit court of venue
18 along with the sworn report provided for in paragraph (d).

19 (2) (Blank).

20 (g) The statutory summary suspension or revocation and
21 disqualification referred to in this Section shall take effect
22 on the 46th day following the date the notice of the statutory
23 summary suspension or revocation was given to the person.

24 (h) The following procedure shall apply whenever a person
25 is arrested for any offense as defined in Section 11-501 or a
26 similar provision of a local ordinance:

1 Upon receipt of the sworn report from the law enforcement
2 officer, the Secretary of State shall confirm the statutory
3 summary suspension or revocation by mailing a notice of the
4 effective date of the suspension or revocation to the person
5 and the court of venue. The Secretary of State shall also mail
6 notice of the effective date of the disqualification to the
7 person. However, should the sworn report be defective by not
8 containing sufficient information or be completed in error, the
9 confirmation of the statutory summary suspension or revocation
10 shall not be mailed to the person or entered to the record;
11 instead, the sworn report shall be forwarded to the court of
12 venue with a copy returned to the issuing agency identifying
13 any defect.

14 (i) As used in this Section, "personal injury" includes any
15 Type A injury as indicated on the traffic accident report
16 completed by a law enforcement officer that requires immediate
17 professional attention in either a doctor's office or a medical
18 facility. A Type A injury includes severely bleeding wounds,
19 distorted extremities, and injuries that require the injured
20 party to be carried from the scene.

21 (Source: P.A. 97-333, eff. 8-12-11; 97-471, eff. 8-22-11;
22 97-1150, eff. 1-25-13; 98-122, eff. 1-1-14; 98-1172, eff.
23 1-12-15.)

24 (625 ILCS 5/11-501.2) (from Ch. 95 1/2, par. 11-501.2)

25 Sec. 11-501.2. Chemical and other tests.

1 (a) Upon the trial of any civil or criminal action or
2 proceeding arising out of an arrest for an offense as defined
3 in Section 11-501 or a similar local ordinance or proceedings
4 pursuant to Section 2-118.1, evidence of the concentration of
5 alcohol, other drug or drugs, or intoxicating compound or
6 compounds, or any combination thereof in a person's blood or
7 breath at the time alleged, as determined by analysis of the
8 person's blood, urine, breath, or other bodily substance, shall
9 be admissible. Where such test is made the following provisions
10 shall apply:

11 1. Chemical analyses of the person's blood, urine,
12 breath, or other bodily substance to be considered valid
13 under the provisions of this Section shall have been
14 performed according to standards promulgated by the
15 Department of State Police by a licensed physician,
16 registered nurse, trained phlebotomist, licensed
17 paramedic, or other individual possessing a valid permit
18 issued by that Department for this purpose. The Director of
19 State Police is authorized to approve satisfactory
20 techniques or methods, to ascertain the qualifications and
21 competence of individuals to conduct such analyses, to
22 issue permits which shall be subject to termination or
23 revocation at the discretion of that Department and to
24 certify the accuracy of breath testing equipment. The
25 Department of State Police shall prescribe regulations as
26 necessary to implement this Section.

1 2. When a person in this State shall submit to a blood
2 test at the request of a law enforcement officer under the
3 provisions of Section 11-501.1, only a physician
4 authorized to practice medicine, a licensed physician
5 assistant, a licensed advanced practice nurse, a
6 registered nurse, trained phlebotomist, or licensed
7 paramedic, or other qualified person approved by the
8 Department of State Police may withdraw blood for the
9 purpose of determining the alcohol, drug, or alcohol and
10 drug content therein. This limitation shall not apply to
11 the taking of breath, other bodily substance, or urine
12 specimens.

13 When a blood test of a person who has been taken to an
14 adjoining state for medical treatment is requested by an
15 Illinois law enforcement officer, the blood may be
16 withdrawn only by a physician authorized to practice
17 medicine in the adjoining state, a licensed physician
18 assistant, a licensed advanced practice nurse, a
19 registered nurse, a trained phlebotomist acting under the
20 direction of the physician, or licensed paramedic. The law
21 enforcement officer requesting the test shall take custody
22 of the blood sample, and the blood sample shall be analyzed
23 by a laboratory certified by the Department of State Police
24 for that purpose.

25 3. The person tested may have a physician, or a
26 qualified technician, chemist, registered nurse, or other

1 qualified person of their own choosing administer a
2 chemical test or tests in addition to any administered at
3 the direction of a law enforcement officer. The failure or
4 inability to obtain an additional test by a person shall
5 not preclude the admission of evidence relating to the test
6 or tests taken at the direction of a law enforcement
7 officer.

8 4. Upon the request of the person who shall submit to a
9 chemical test or tests at the request of a law enforcement
10 officer, full information concerning the test or tests
11 shall be made available to the person or such person's
12 attorney.

13 5. Alcohol concentration shall mean either grams of
14 alcohol per 100 milliliters of blood or grams of alcohol
15 per 210 liters of breath.

16 6. Tetrahydrocannabinol concentration shall mean
17 either 15 nanograms or more of
18 delta-9-tetrahydrocannabinol per milliliter of whole blood
19 or 25 nanograms or more of delta-9-tetrahydrocannabinol
20 per milliliter of other bodily substance.

21 (a-5) Law enforcement officials may use standardized field
22 sobriety tests approved by the National Highway Traffic Safety
23 Administration when conducting investigations of a violation
24 of Section 11-501 or similar local ordinance by drivers
25 suspected of driving under the influence of cannabis. The
26 General Assembly finds that standardized field sobriety tests

1 approved by the National Highway Traffic Safety Administration
2 are divided attention tasks that are intended to determine if a
3 person is under the influence of cannabis. The purpose of these
4 tests is to determine the effect of the use of cannabis on a
5 person's capacity to think and act with ordinary care and
6 therefore operate a motor vehicle safely. Therefore, the
7 results of these standardized field sobriety tests,
8 appropriately administered, shall be admissible in the trial of
9 any civil or criminal action or proceeding arising out of an
10 arrest for a cannabis-related offense as defined in Section
11 11-501 or a similar local ordinance or proceedings under
12 Section 2-118.1 or 2-118.2. Where a test is made the following
13 provisions shall apply:

14 1. The person tested may have a physician, or a
15 qualified technician, chemist, registered nurse, or other
16 qualified person of their own choosing administer a
17 chemical test or tests in addition to the standardized
18 field sobriety test or tests administered at the direction
19 of a law enforcement officer. The failure or inability to
20 obtain an additional test by a person does not preclude the
21 admission of evidence relating to the test or tests taken
22 at the direction of a law enforcement officer.

23 2. Upon the request of the person who shall submit to a
24 standardized field sobriety test or tests at the request of
25 a law enforcement officer, full information concerning the
26 test or tests shall be made available to the person or the

1 person's attorney.

2 3. At the trial of any civil or criminal action or
3 proceeding arising out of an arrest for an offense as
4 defined in Section 11-501 or a similar local ordinance or
5 proceedings under Section 2-118.1 or 2-118.2 in which the
6 results of these standardized field sobriety tests are
7 admitted, the cardholder may present and the trier of fact
8 may consider evidence that the card holder lacked the
9 physical capacity to perform the standardized field
10 sobriety tests.

11 (b) Upon the trial of any civil or criminal action or
12 proceeding arising out of acts alleged to have been committed
13 by any person while driving or in actual physical control of a
14 vehicle while under the influence of alcohol, the concentration
15 of alcohol in the person's blood or breath at the time alleged
16 as shown by analysis of the person's blood, urine, breath, or
17 other bodily substance shall give rise to the following
18 presumptions:

19 1. If there was at that time an alcohol concentration
20 of 0.05 or less, it shall be presumed that the person was
21 not under the influence of alcohol.

22 2. If there was at that time an alcohol concentration
23 in excess of 0.05 but less than 0.08, such facts shall not
24 give rise to any presumption that the person was or was not
25 under the influence of alcohol, but such fact may be
26 considered with other competent evidence in determining

1 whether the person was under the influence of alcohol.

2 3. If there was at that time an alcohol concentration
3 of 0.08 or more, it shall be presumed that the person was
4 under the influence of alcohol.

5 4. The foregoing provisions of this Section shall not
6 be construed as limiting the introduction of any other
7 relevant evidence bearing upon the question whether the
8 person was under the influence of alcohol.

9 (b-1) Upon the trial of any civil or criminal action or
10 proceeding arising out of acts alleged to have been committed
11 by any person while driving or in actual physical control of a
12 vehicle while under the influence of alcohol, other drug or
13 drugs, intoxicating compound or compounds or any combination
14 thereof, the concentration of cannabis in the person's whole
15 blood or other bodily substance at the time alleged as shown by
16 analysis of the person's blood or other bodily substance shall
17 give rise to the following presumptions:

18 1. If there was a tetrahydrocannabinol concentration
19 of 15 nanograms or more in whole blood or 25 nanograms or
20 more in an other bodily substance as defined in this
21 Section, it shall be presumed that the person was under the
22 influence of cannabis.

23 2. If there was at that time a tetrahydrocannabinol
24 concentration of less than 15 nanograms in whole blood or
25 less than 25 nanograms in an other bodily substance, such
26 facts shall not give rise to any presumption that the

1 person was or was not under the influence of cannabis, but
2 such fact may be considered with other competent evidence
3 in determining whether the person was under the influence
4 of cannabis.

5 (c) 1. If a person under arrest refuses to submit to a
6 chemical test under the provisions of Section 11-501.1,
7 evidence of refusal shall be admissible in any civil or
8 criminal action or proceeding arising out of acts alleged to
9 have been committed while the person under the influence of
10 alcohol, other drug or drugs, or intoxicating compound or
11 compounds, or any combination thereof was driving or in actual
12 physical control of a motor vehicle.

13 2. Notwithstanding any ability to refuse under this Code to
14 submit to these tests or any ability to revoke the implied
15 consent to these tests, if a law enforcement officer has
16 probable cause to believe that a motor vehicle driven by or in
17 actual physical control of a person under the influence of
18 alcohol, other drug or drugs, or intoxicating compound or
19 compounds, or any combination thereof has caused the death or
20 personal injury to another, the law enforcement officer shall
21 request, and that person shall submit, upon the request of a
22 law enforcement officer, to a chemical test or tests of his or
23 her blood, breath, other bodily substance, or urine for the
24 purpose of determining the alcohol content thereof or the
25 presence of any other drug or combination of both.

26 This provision does not affect the applicability of or

1 imposition of driver's license sanctions under Section
2 11-501.1 of this Code.

3 3. For purposes of this Section, a personal injury includes
4 any Type A injury as indicated on the traffic accident report
5 completed by a law enforcement officer that requires immediate
6 professional attention in either a doctor's office or a medical
7 facility. A Type A injury includes severe bleeding wounds,
8 distorted extremities, and injuries that require the injured
9 party to be carried from the scene.

10 (d) If a person refuses standardized field sobriety tests
11 under Section 11-501.9 of this Code, evidence of refusal shall
12 be admissible in any civil or criminal action or proceeding
13 arising out of acts committed while the person was driving or
14 in actual physical control of a vehicle and alleged to have
15 been impaired by the use of cannabis.

16 (e) Department of State Police compliance with the changes
17 in this amendatory Act of the 99th General Assembly concerning
18 testing of other bodily substances and tetrahydrocannabinol
19 concentration by Department of State Police laboratories is
20 subject to appropriation and until the Department of State
21 Police adopt standards and completion validation. Any
22 laboratories that test for the presence of cannabis or other
23 drugs under this Article, the Snowmobile Registration and
24 Safety Act, or the Boat Registration and Safety Act must comply
25 with ISO/IEC 17025:2005.

26 (Source: P.A. 97-450, eff. 8-19-11; 97-471, eff. 8-22-11;

1 97-813, eff. 7-13-12; 98-122, eff. 1-1-14; 98-973, eff.
2 8-15-14; 98-1172, eff. 1-12-15.)

3 (625 ILCS 5/11-501.4) (from Ch. 95 1/2, par. 11-501.4)

4 Sec. 11-501.4. Admissibility of chemical tests of blood,
5 other bodily substance, or urine conducted in the regular
6 course of providing emergency medical treatment.

7 (a) Notwithstanding any other provision of law, the results
8 of blood, other bodily substance, or urine tests performed for
9 the purpose of determining the content of alcohol, other drug
10 or drugs, or intoxicating compound or compounds, or any
11 combination thereof, of an individual's blood, other bodily
12 substance, or urine conducted upon persons receiving medical
13 treatment in a hospital emergency room are admissible in
14 evidence as a business record exception to the hearsay rule
15 only in prosecutions for any violation of Section 11-501 of
16 this Code or a similar provision of a local ordinance, or in
17 prosecutions for reckless homicide brought under the Criminal
18 Code of 1961 or the Criminal Code of 2012, when each of the
19 following criteria are met:

20 (1) the chemical tests performed upon an individual's
21 blood, other bodily substance, or urine were ordered in the
22 regular course of providing emergency medical treatment
23 and not at the request of law enforcement authorities;

24 (2) the chemical tests performed upon an individual's
25 blood, other bodily substance, or urine were performed by

1 the laboratory routinely used by the hospital; and

2 (3) results of chemical tests performed upon an
3 individual's blood, other bodily substance, or urine are
4 admissible into evidence regardless of the time that the
5 records were prepared.

6 (b) The confidentiality provisions of law pertaining to
7 medical records and medical treatment shall not be applicable
8 with regard to chemical tests performed upon an individual's
9 blood, other bodily substance, or urine under the provisions of
10 this Section in prosecutions as specified in subsection (a) of
11 this Section. No person shall be liable for civil damages as a
12 result of the evidentiary use of chemical testing of an
13 individual's blood, other bodily substance, or urine test
14 results under this Section, or as a result of that person's
15 testimony made available under this Section.

16 (Source: P.A. 96-289, eff. 8-11-09; 97-1150, eff. 1-25-13.)

17 (625 ILCS 5/11-501.4-1)

18 Sec. 11-501.4-1. Reporting of test results of blood, other
19 bodily substance, or urine conducted in the regular course of
20 providing emergency medical treatment.

21 (a) Notwithstanding any other provision of law, the results
22 of blood, other bodily substance, or urine tests performed for
23 the purpose of determining the content of alcohol, other drug
24 or drugs, or intoxicating compound or compounds, or any
25 combination thereof, in an individual's blood, other bodily

1 substance, or urine conducted upon persons receiving medical
2 treatment in a hospital emergency room for injuries resulting
3 from a motor vehicle accident shall be disclosed to the
4 Department of State Police or local law enforcement agencies of
5 jurisdiction, upon request. Such blood, other bodily
6 substance, or urine tests are admissible in evidence as a
7 business record exception to the hearsay rule only in
8 prosecutions for any violation of Section 11-501 of this Code
9 or a similar provision of a local ordinance, or in prosecutions
10 for reckless homicide brought under the Criminal Code of 1961
11 or the Criminal Code of 2012.

12 (b) The confidentiality provisions of law pertaining to
13 medical records and medical treatment shall not be applicable
14 with regard to tests performed upon an individual's blood,
15 other bodily substance, or urine under the provisions of
16 subsection (a) of this Section. No person shall be liable for
17 civil damages or professional discipline as a result of the
18 disclosure or reporting of the tests or the evidentiary use of
19 an individual's blood, other bodily substance, or urine test
20 results under this Section or Section 11-501.4 or as a result
21 of that person's testimony made available under this Section or
22 Section 11-501.4, except for willful or wanton misconduct.

23 (Source: P.A. 97-1150, eff. 1-25-13.)

24 (625 ILCS 5/11-501.6) (from Ch. 95 1/2, par. 11-501.6)

25 Sec. 11-501.6. Driver involvement in personal injury or

1 fatal motor vehicle accident; chemical test.

2 (a) Any person who drives or is in actual control of a
3 motor vehicle upon the public highways of this State and who
4 has been involved in a personal injury or fatal motor vehicle
5 accident, shall be deemed to have given consent to a breath
6 test using a portable device as approved by the Department of
7 State Police or to a chemical test or tests of blood, breath,
8 other bodily substance, or urine for the purpose of determining
9 the content of alcohol, other drug or drugs, or intoxicating
10 compound or compounds of such person's blood if arrested as
11 evidenced by the issuance of a Uniform Traffic Ticket for any
12 violation of the Illinois Vehicle Code or a similar provision
13 of a local ordinance, with the exception of equipment
14 violations contained in Chapter 12 of this Code, or similar
15 provisions of local ordinances. The test or tests shall be
16 administered at the direction of the arresting officer. The law
17 enforcement agency employing the officer shall designate which
18 of the aforesaid tests shall be administered. Up to 2
19 additional tests of ~~A~~ urine or other bodily substance ~~test~~ may
20 be administered even after a blood or breath test or both has
21 been administered. Compliance with this Section does not
22 relieve such person from the requirements of Section 11-501.1
23 of this Code.

24 (b) Any person who is dead, unconscious or who is otherwise
25 in a condition rendering such person incapable of refusal shall
26 be deemed not to have withdrawn the consent provided by

1 subsection (a) of this Section. In addition, if a driver of a
2 vehicle is receiving medical treatment as a result of a motor
3 vehicle accident, any physician licensed to practice medicine,
4 licensed physician assistant, licensed advanced practice
5 nurse, registered nurse or a phlebotomist acting under the
6 direction of a licensed physician shall withdraw blood for
7 testing purposes to ascertain the presence of alcohol, other
8 drug or drugs, or intoxicating compound or compounds, upon the
9 specific request of a law enforcement officer. However, no such
10 testing shall be performed until, in the opinion of the medical
11 personnel on scene, the withdrawal can be made without
12 interfering with or endangering the well-being of the patient.

13 (c) A person requested to submit to a test as provided
14 above shall be warned by the law enforcement officer requesting
15 the test that a refusal to submit to the test, or submission to
16 the test resulting in an alcohol concentration of 0.08 or more,
17 or testing discloses the presence of cannabis as listed in the
18 Cannabis Control Act with a tetrahydrocannabinol concentration
19 as defined in paragraph 6 of subsection (a) of Section 11-501.2
20 of this Code, or any amount of a drug, substance, or
21 intoxicating compound resulting from the unlawful use or
22 consumption of ~~cannabis, as covered by the Cannabis Control~~
23 ~~Act,~~ a controlled substance listed in the Illinois Controlled
24 Substances Act, an intoxicating compound listed in the Use of
25 Intoxicating Compounds Act, or methamphetamine as listed in the
26 Methamphetamine Control and Community Protection Act as

1 detected in such person's blood, other bodily substance, or
2 urine, may result in the suspension of such person's privilege
3 to operate a motor vehicle. If the person is also a CDL holder
4 he or she shall be warned by the law enforcement officer
5 requesting the test that a refusal to submit to the test, or
6 submission to the test resulting in an alcohol concentration of
7 0.08 or more, or any amount of a drug, substance, or
8 intoxicating compound resulting from the unlawful use or
9 consumption of cannabis, as covered by the Cannabis Control
10 Act, a controlled substance listed in the Illinois Controlled
11 Substances Act, an intoxicating compound listed in the Use of
12 Intoxicating Compounds Act, or methamphetamine as listed in the
13 Methamphetamine Control and Community Protection Act as
14 detected in the person's blood, other bodily substance, or
15 urine, and may result in the disqualification of the person's
16 privilege to operate a commercial motor vehicle, as provided in
17 Section 6-514 of this Code, ~~if the person is a CDL holder~~. The
18 length of the suspension shall be the same as outlined in
19 Section 6-208.1 of this Code regarding statutory summary
20 suspensions.

21 (d) If the person refuses testing or submits to a test
22 which discloses an alcohol concentration of 0.08 or more, the
23 presence of cannabis as listed in the Cannabis Control Act with
24 a tetrahydrocannabinol concentration as defined in paragraph 6
25 of subsection (a) of Section 11-501.2 of this Code, or any
26 amount of a drug, substance, or intoxicating compound in such

1 person's blood, other bodily substance, or urine resulting from
2 the unlawful use or consumption of ~~cannabis listed in the~~
3 ~~Cannabis Control Act,~~ a controlled substance listed in the
4 Illinois Controlled Substances Act, an intoxicating compound
5 listed in the Use of Intoxicating Compounds Act, or
6 methamphetamine as listed in the Methamphetamine Control and
7 Community Protection Act, the law enforcement officer shall
8 immediately submit a sworn report to the Secretary of State on
9 a form prescribed by the Secretary, certifying that the test or
10 tests were requested under ~~pursuant to~~ subsection (a) and the
11 person refused to submit to a test or tests or submitted to
12 testing which disclosed an alcohol concentration of 0.08 or
13 more, the presence of cannabis as listed in the Cannabis
14 Control Act with a tetrahydrocannabinol concentration as
15 defined in paragraph 6 of subsection (a) of Section 11-501.2 of
16 this Code, or any amount of a drug, substance, or intoxicating
17 compound in such person's blood, other bodily substance, or
18 urine, resulting from the unlawful use or consumption of
19 ~~cannabis listed in the Cannabis Control Act,~~ a controlled
20 substance listed in the Illinois Controlled Substances Act, an
21 intoxicating compound listed in the Use of Intoxicating
22 Compounds Act, or methamphetamine as listed in the
23 Methamphetamine Control and Community Protection Act. If the
24 person is also a CDL holder and refuses testing or submits to a
25 test which discloses an alcohol concentration of 0.08 or more,
26 or any amount of a drug, substance, or intoxicating compound in

1 the person's blood or urine resulting from the unlawful use or
2 consumption of cannabis listed in the Cannabis Control Act, a
3 controlled substance listed in the Illinois Controlled
4 Substances Act, an intoxicating compound listed in the Use of
5 Intoxicating Compounds Act, or methamphetamine as listed in the
6 Methamphetamine Control and Community Protection Act, the law
7 enforcement officer shall immediately submit a sworn report to
8 the Secretary of State on a form prescribed by the Secretary,
9 certifying that the test or tests were requested under
10 subsection (a) and the person refused to submit to a test or
11 tests or submitted to testing which disclosed an alcohol
12 concentration of 0.08 or more, or any amount of a drug,
13 substance, or intoxicating compound in such person's blood or
14 urine, resulting from the unlawful use or consumption of
15 cannabis listed in the Cannabis Control Act, a controlled
16 substance listed in the Illinois Controlled Substances Act, an
17 intoxicating compound listed in the Use of Intoxicating
18 Compounds Act, or methamphetamine as listed in the
19 Methamphetamine Control and Community Protection Act.

20 Upon receipt of the sworn report of a law enforcement
21 officer, the Secretary shall enter the suspension and
22 disqualification to the individual's driving record and the
23 suspension and disqualification shall be effective on the 46th
24 day following the date notice of the suspension was given to
25 the person.

26 The law enforcement officer submitting the sworn report

1 shall serve immediate notice of this suspension on the person
2 and such suspension and disqualification shall be effective on
3 the 46th day following the date notice was given.

4 In cases involving a person who is not a CDL holder where
5 the blood alcohol concentration of 0.08 or more, or blood
6 testing discloses the presence of cannabis as listed in the
7 Cannabis Control Act with a tetrahydrocannabinol concentration
8 as defined in paragraph 6 of subsection (a) of Section 11-501.2
9 of this Code, or any amount of a drug, substance, or
10 intoxicating compound resulting from the unlawful use or
11 consumption of ~~cannabis as listed in the Cannabis Control Act,~~
12 a controlled substance listed in the Illinois Controlled
13 Substances Act, an intoxicating compound listed in the Use of
14 Intoxicating Compounds Act, or methamphetamine as listed in the
15 Methamphetamine Control and Community Protection Act, is
16 established by a subsequent analysis of blood, other bodily
17 substance, or urine collected at the time of arrest, the
18 arresting officer shall give notice as provided in this Section
19 or by deposit in the United States mail of such notice in an
20 envelope with postage prepaid and addressed to such person at
21 his or her address as shown on the Uniform Traffic Ticket and
22 the suspension ~~and disqualification~~ shall be effective on the
23 46th day following the date notice was given.

24 In cases involving a person who is a CDL holder where the
25 blood alcohol concentration of 0.08 or more, or any amount of a
26 drug, substance, or intoxicating compound resulting from the

1 unlawful use or consumption of cannabis as listed in the
2 Cannabis Control Act, a controlled substance listed in the
3 Illinois Controlled Substances Act, an intoxicating compound
4 listed in the Use of Intoxicating Compounds Act, or
5 methamphetamine as listed in the Methamphetamine Control and
6 Community Protection Act, is established by a subsequent
7 analysis of blood, other bodily substance, or urine collected
8 at the time of arrest, the arresting officer shall give notice
9 as provided in this Section or by deposit in the United States
10 mail of such notice in an envelope with postage prepaid and
11 addressed to the person at his or her address as shown on the
12 Uniform Traffic Ticket and the suspension and disqualification
13 shall be effective on the 46th day following the date notice
14 was given.

15 Upon receipt of the sworn report of a law enforcement
16 officer, the Secretary shall also give notice of the suspension
17 and disqualification to the driver by mailing a notice of the
18 effective date of the suspension and disqualification to the
19 individual. However, should the sworn report be defective by
20 not containing sufficient information or be completed in error,
21 the notice of the suspension and disqualification shall not be
22 mailed to the person or entered to the driving record, but
23 rather the sworn report shall be returned to the issuing law
24 enforcement agency.

25 (e) A driver may contest this suspension of his or her
26 driving privileges and disqualification of his or her CDL

1 privileges by requesting an administrative hearing with the
2 Secretary in accordance with Section 2-118 of this Code. At the
3 conclusion of a hearing held under Section 2-118 of this Code,
4 the Secretary may rescind, continue, or modify the orders of
5 suspension and disqualification. If the Secretary does not
6 rescind the orders of suspension and disqualification, a
7 restricted driving permit may be granted by the Secretary upon
8 application being made and good cause shown. A restricted
9 driving permit may be granted to relieve undue hardship to
10 allow driving for employment, educational, and medical
11 purposes as outlined in Section 6-206 of this Code. The
12 provisions of Section 6-206 of this Code shall apply. In
13 accordance with 49 C.F.R. 384, the Secretary of State may not
14 issue a restricted driving permit for the operation of a
15 commercial motor vehicle to a person holding a CDL whose
16 driving privileges have been suspended, revoked, cancelled, or
17 disqualified.

18 (f) (Blank).

19 (g) For the purposes of this Section, a personal injury
20 shall include any type A injury as indicated on the traffic
21 accident report completed by a law enforcement officer that
22 requires immediate professional attention in either a doctor's
23 office or a medical facility. A type A injury shall include
24 severely bleeding wounds, distorted extremities, and injuries
25 that require the injured party to be carried from the scene.

26 (Source: P.A. 96-1344, eff. 7-1-11; 97-450, eff. 8-19-11;

1 97-835, eff. 7-20-12.)

2 (625 ILCS 5/11-501.8)

3 Sec. 11-501.8. Suspension of driver's license; persons
4 under age 21.

5 (a) A person who is less than 21 years of age and who
6 drives or is in actual physical control of a motor vehicle upon
7 the public highways of this State shall be deemed to have given
8 consent to a chemical test or tests of blood, breath, other
9 bodily substance, or urine for the purpose of determining the
10 alcohol content of the person's blood if arrested, as evidenced
11 by the issuance of a Uniform Traffic Ticket for any violation
12 of the Illinois Vehicle Code or a similar provision of a local
13 ordinance, if a police officer has probable cause to believe
14 that the driver has consumed any amount of an alcoholic
15 beverage based upon evidence of the driver's physical condition
16 or other first hand knowledge of the police officer. The test
17 or tests shall be administered at the direction of the
18 arresting officer. The law enforcement agency employing the
19 officer shall designate which of the aforesaid tests shall be
20 administered. Up to 2 additional tests of A urine or other
21 bodily substance ~~test~~ may be administered even after a blood or
22 breath test or both has been administered.

23 (b) A person who is dead, unconscious, or who is otherwise
24 in a condition rendering that person incapable of refusal,
25 shall be deemed not to have withdrawn the consent provided by

1 paragraph (a) of this Section and the test or tests may be
2 administered subject to the following provisions:

3 (i) Chemical analysis of the person's blood, urine,
4 breath, or other bodily substance, to be considered valid
5 under the provisions of this Section, shall have been
6 performed according to standards promulgated by the
7 Department of State Police by an individual possessing a
8 valid permit issued by that Department for this purpose.
9 The Director of State Police is authorized to approve
10 satisfactory techniques or methods, to ascertain the
11 qualifications and competence of individuals to conduct
12 analyses, to issue permits that shall be subject to
13 termination or revocation at the direction of that
14 Department, and to certify the accuracy of breath testing
15 equipment. The Department of State Police shall prescribe
16 regulations as necessary.

17 (ii) When a person submits to a blood test at the
18 request of a law enforcement officer under the provisions
19 of this Section, only a physician authorized to practice
20 medicine, a licensed physician assistant, a licensed
21 advanced practice nurse, a registered nurse, or other
22 qualified person trained in venipuncture and acting under
23 the direction of a licensed physician may withdraw blood
24 for the purpose of determining the alcohol content therein.
25 This limitation does not apply to the taking of breath,
26 other bodily substance, or urine specimens.

1 (iii) The person tested may have a physician, qualified
2 technician, chemist, registered nurse, or other qualified
3 person of his or her own choosing administer a chemical
4 test or tests in addition to any test or tests administered
5 at the direction of a law enforcement officer. The failure
6 or inability to obtain an additional test by a person shall
7 not preclude the consideration of the previously performed
8 chemical test.

9 (iv) Upon a request of the person who submits to a
10 chemical test or tests at the request of a law enforcement
11 officer, full information concerning the test or tests
12 shall be made available to the person or that person's
13 attorney.

14 (v) Alcohol concentration means either grams of
15 alcohol per 100 milliliters of blood or grams of alcohol
16 per 210 liters of breath.

17 (vi) If a driver is receiving medical treatment as a
18 result of a motor vehicle accident, a physician licensed to
19 practice medicine, licensed physician assistant, licensed
20 advanced practice nurse, registered nurse, or other
21 qualified person trained in venipuncture and acting under
22 the direction of a licensed physician shall withdraw blood
23 for testing purposes to ascertain the presence of alcohol
24 upon the specific request of a law enforcement officer.
25 However, that testing shall not be performed until, in the
26 opinion of the medical personnel on scene, the withdrawal

1 can be made without interfering with or endangering the
2 well-being of the patient.

3 (c) A person requested to submit to a test as provided
4 above shall be warned by the law enforcement officer requesting
5 the test that a refusal to submit to the test, or submission to
6 the test resulting in an alcohol concentration of more than
7 0.00, may result in the loss of that person's privilege to
8 operate a motor vehicle and may result in the disqualification
9 of the person's privilege to operate a commercial motor
10 vehicle, as provided in Section 6-514 of this Code, if the
11 person is a CDL holder. The loss of driving privileges shall be
12 imposed in accordance with Section 6-208.2 of this Code.

13 (d) If the person refuses testing or submits to a test that
14 discloses an alcohol concentration of more than 0.00, the law
15 enforcement officer shall immediately submit a sworn report to
16 the Secretary of State on a form prescribed by the Secretary of
17 State, certifying that the test or tests were requested under
18 subsection (a) and the person refused to submit to a test or
19 tests or submitted to testing which disclosed an alcohol
20 concentration of more than 0.00. The law enforcement officer
21 shall submit the same sworn report when a person under the age
22 of 21 submits to testing under Section 11-501.1 of this Code
23 and the testing discloses an alcohol concentration of more than
24 0.00 and less than 0.08.

25 Upon receipt of the sworn report of a law enforcement
26 officer, the Secretary of State shall enter the suspension and

1 disqualification on the individual's driving record and the
2 suspension and disqualification shall be effective on the 46th
3 day following the date notice of the suspension was given to
4 the person. If this suspension is the individual's first
5 driver's license suspension under this Section, reports
6 received by the Secretary of State under this Section shall,
7 except during the time the suspension is in effect, be
8 privileged information and for use only by the courts, police
9 officers, prosecuting authorities, the Secretary of State, or
10 the individual personally, unless the person is a CDL holder,
11 is operating a commercial motor vehicle or vehicle required to
12 be placarded for hazardous materials, in which case the
13 suspension shall not be privileged. Reports received by the
14 Secretary of State under this Section shall also be made
15 available to the parent or guardian of a person under the age
16 of 18 years that holds an instruction permit or a graduated
17 driver's license, regardless of whether the suspension is in
18 effect.

19 The law enforcement officer submitting the sworn report
20 shall serve immediate notice of this suspension on the person
21 and the suspension and disqualification shall be effective on
22 the 46th day following the date notice was given.

23 In cases where the blood alcohol concentration of more than
24 0.00 is established by a subsequent analysis of blood, other
25 bodily substance, or urine, the police officer or arresting
26 agency shall give notice as provided in this Section or by

1 deposit in the United States mail of that notice in an envelope
2 with postage prepaid and addressed to that person at his last
3 known address and the loss of driving privileges shall be
4 effective on the 46th day following the date notice was given.

5 Upon receipt of the sworn report of a law enforcement
6 officer, the Secretary of State shall also give notice of the
7 suspension and disqualification to the driver by mailing a
8 notice of the effective date of the suspension and
9 disqualification to the individual. However, should the sworn
10 report be defective by not containing sufficient information or
11 be completed in error, the notice of the suspension and
12 disqualification shall not be mailed to the person or entered
13 to the driving record, but rather the sworn report shall be
14 returned to the issuing law enforcement agency.

15 (e) A driver may contest this suspension and
16 disqualification by requesting an administrative hearing with
17 the Secretary of State in accordance with Section 2-118 of this
18 Code. An individual whose blood alcohol concentration is shown
19 to be more than 0.00 is not subject to this Section if he or she
20 consumed alcohol in the performance of a religious service or
21 ceremony. An individual whose blood alcohol concentration is
22 shown to be more than 0.00 shall not be subject to this Section
23 if the individual's blood alcohol concentration resulted only
24 from ingestion of the prescribed or recommended dosage of
25 medicine that contained alcohol. The petition for that hearing
26 shall not stay or delay the effective date of the impending

1 suspension. The scope of this hearing shall be limited to the
2 issues of:

3 (1) whether the police officer had probable cause to
4 believe that the person was driving or in actual physical
5 control of a motor vehicle upon the public highways of the
6 State and the police officer had reason to believe that the
7 person was in violation of any provision of the Illinois
8 Vehicle Code or a similar provision of a local ordinance;
9 and

10 (2) whether the person was issued a Uniform Traffic
11 Ticket for any violation of the Illinois Vehicle Code or a
12 similar provision of a local ordinance; and

13 (3) whether the police officer had probable cause to
14 believe that the driver had consumed any amount of an
15 alcoholic beverage based upon the driver's physical
16 actions or other first-hand knowledge of the police
17 officer; and

18 (4) whether the person, after being advised by the
19 officer that the privilege to operate a motor vehicle would
20 be suspended if the person refused to submit to and
21 complete the test or tests, did refuse to submit to or
22 complete the test or tests to determine the person's
23 alcohol concentration; and

24 (5) whether the person, after being advised by the
25 officer that the privileges to operate a motor vehicle
26 would be suspended if the person submits to a chemical test

1 or tests and the test or tests disclose an alcohol
2 concentration of more than 0.00, did submit to and complete
3 the test or tests that determined an alcohol concentration
4 of more than 0.00; and

5 (6) whether the test result of an alcohol concentration
6 of more than 0.00 was based upon the person's consumption
7 of alcohol in the performance of a religious service or
8 ceremony; and

9 (7) whether the test result of an alcohol concentration
10 of more than 0.00 was based upon the person's consumption
11 of alcohol through ingestion of the prescribed or
12 recommended dosage of medicine.

13 At the conclusion of the hearing held under Section 2-118
14 of this Code, the Secretary of State may rescind, continue, or
15 modify the suspension and disqualification. If the Secretary of
16 State does not rescind the suspension and disqualification, a
17 restricted driving permit may be granted by the Secretary of
18 State upon application being made and good cause shown. A
19 restricted driving permit may be granted to relieve undue
20 hardship by allowing driving for employment, educational, and
21 medical purposes as outlined in item (3) of part (c) of Section
22 6-206 of this Code. The provisions of item (3) of part (c) of
23 Section 6-206 of this Code and of subsection (f) of that
24 Section shall apply. The Secretary of State shall promulgate
25 rules providing for participation in an alcohol education and
26 awareness program or activity, a drug education and awareness

1 program or activity, or both as a condition to the issuance of
2 a restricted driving permit for suspensions imposed under this
3 Section.

4 (f) The results of any chemical testing performed in
5 accordance with subsection (a) of this Section are not
6 admissible in any civil or criminal proceeding, except that the
7 results of the testing may be considered at a hearing held
8 under Section 2-118 of this Code. However, the results of the
9 testing may not be used to impose driver's license sanctions
10 under Section 11-501.1 of this Code. A law enforcement officer
11 may, however, pursue a statutory summary suspension or
12 revocation of driving privileges under Section 11-501.1 of this
13 Code if other physical evidence or first hand knowledge forms
14 the basis of that suspension or revocation.

15 (g) This Section applies only to drivers who are under age
16 21 at the time of the issuance of a Uniform Traffic Ticket for
17 a violation of the Illinois Vehicle Code or a similar provision
18 of a local ordinance, and a chemical test request is made under
19 this Section.

20 (h) The action of the Secretary of State in suspending,
21 revoking, cancelling, or disqualifying any license or permit
22 shall be subject to judicial review in the Circuit Court of
23 Sangamon County or in the Circuit Court of Cook County, and the
24 provisions of the Administrative Review Law and its rules are
25 hereby adopted and shall apply to and govern every action for
26 the judicial review of final acts or decisions of the Secretary

1 of State under this Section.

2 (Source: P.A. 96-1080, eff. 7-16-10; 96-1344, eff. 7-1-11;
3 97-333, eff. 8-12-11; 97-450, eff. 8-19-11.)

4 (625 ILCS 5/11-507)

5 Sec. 11-507. Supervising a minor driver while under the
6 influence of alcohol, other drug or drugs, intoxicating
7 compound or compounds or any combination thereof.

8 (a) A person shall not accompany or provide instruction,
9 pursuant to subsection (a) of Section 6-107.1 of this Code, to
10 a driver who is a minor and driving a motor vehicle pursuant to
11 an instruction permit under Section 6-107.1 of this Code,
12 while:

13 (1) the alcohol concentration in the person's blood,
14 other bodily substance, or breath is 0.08 or more based on
15 the definition of blood and breath units in Section
16 11-501.2 of this Code;

17 (2) under the influence of alcohol;

18 (3) under the influence of any intoxicating compound or
19 combination of intoxicating compounds to a degree that
20 renders the person incapable of properly supervising or
21 providing instruction to the minor driver;

22 (4) under the influence of any other drug or
23 combination of drugs to a degree that renders the person
24 incapable of properly supervising or providing instruction
25 to the minor driver;

1 (5) under the combined influence of alcohol, other drug
2 or drugs, or intoxicating compound or compounds to a degree
3 that renders the person incapable of properly supervising
4 or providing instruction to the minor driver; or

5 (6) there is any amount of a drug, substance, or
6 compound in the person's breath, blood, other bodily
7 substance, or urine resulting from the unlawful use or
8 consumption of cannabis listed in the Cannabis Control Act,
9 a controlled substance listed in the Illinois Controlled
10 Substances Act, an intoxicating compound listed in the Use
11 of Intoxicating Compounds Act, or methamphetamine as
12 listed in the Methamphetamine Control and Community
13 Protection Act.

14 (b) A person found guilty of violating this Section is
15 guilty of an offense against the regulations governing the
16 movement of vehicles.

17 (Source: P.A. 96-1237, eff. 1-1-11.)

18 Section 25. The Snowmobile Registration and Safety Act is
19 amended by changing Sections 5-7, 5-7.1, 5-7.4, and 5-7.6 as
20 follows:

21 (625 ILCS 40/5-7)

22 Sec. 5-7. Operating a snowmobile while under the influence
23 of alcohol or other drug or drugs, intoxicating compound or
24 compounds, or a combination of them; criminal penalties;

1 suspension of operating privileges.

2 (a) A person may not operate or be in actual physical
3 control of a snowmobile within this State while:

4 1. The alcohol concentration in that person's blood,
5 other bodily substance, or breath is a concentration at
6 which driving a motor vehicle is prohibited under
7 subdivision (1) of subsection (a) of Section 11-501 of the
8 Illinois Vehicle Code;

9 2. The person is under the influence of alcohol;

10 3. The person is under the influence of any other drug
11 or combination of drugs to a degree that renders that
12 person incapable of safely operating a snowmobile;

13 3.1. The person is under the influence of any
14 intoxicating compound or combination of intoxicating
15 compounds to a degree that renders the person incapable of
16 safely operating a snowmobile;

17 4. The person is under the combined influence of
18 alcohol and any other drug or drugs or intoxicating
19 compound or compounds to a degree that renders that person
20 incapable of safely operating a snowmobile; or

21 5. There is any amount of a drug, substance, or
22 compound in that person's breath, blood, other bodily
23 substance, or urine resulting from the unlawful use or
24 consumption of cannabis listed in the Cannabis Control Act,
25 controlled substance listed in the Illinois Controlled
26 Substances Act, or intoxicating compound listed in the use

1 of Intoxicating Compounds Act.

2 (b) The fact that a person charged with violating this
3 Section is or has been legally entitled to use alcohol, other
4 drug or drugs, any intoxicating compound or compounds, or any
5 combination of them does not constitute a defense against a
6 charge of violating this Section.

7 (c) Every person convicted of violating this Section or a
8 similar provision of a local ordinance is guilty of a Class A
9 misdemeanor, except as otherwise provided in this Section.

10 (c-1) As used in this Section, "first time offender" means
11 any person who has not had a previous conviction or been
12 assigned supervision for violating this Section or a similar
13 provision of a local ordinance, or any person who has not had a
14 suspension imposed under subsection (e) of Section 5-7.1.

15 (c-2) For purposes of this Section, the following are
16 equivalent to a conviction:

17 (1) a forfeiture of bail or collateral deposited to
18 secure a defendant's appearance in court when forfeiture
19 has not been vacated; or

20 (2) the failure of a defendant to appear for trial.

21 (d) Every person convicted of violating this Section is
22 guilty of a Class 4 felony if:

23 1. The person has a previous conviction under this
24 Section;

25 2. The offense results in personal injury where a
26 person other than the operator suffers great bodily harm or

1 permanent disability or disfigurement, when the violation
2 was a proximate cause of the injuries. A person guilty of a
3 Class 4 felony under this paragraph 2, if sentenced to a
4 term of imprisonment, shall be sentenced to not less than
5 one year nor more than 12 years; or

6 3. The offense occurred during a period in which the
7 person's privileges to operate a snowmobile are revoked or
8 suspended, and the revocation or suspension was for a
9 violation of this Section or was imposed under Section
10 5-7.1.

11 (e) Every person convicted of violating this Section is
12 guilty of a Class 2 felony if the offense results in the death
13 of a person. A person guilty of a Class 2 felony under this
14 subsection (e), if sentenced to a term of imprisonment, shall
15 be sentenced to a term of not less than 3 years and not more
16 than 14 years.

17 (e-1) Every person convicted of violating this Section or a
18 similar provision of a local ordinance who had a child under
19 the age of 16 on board the snowmobile at the time of offense
20 shall be subject to a mandatory minimum fine of \$500 and shall
21 be subject to a mandatory minimum of 5 days of community
22 service in a program benefiting children. The assignment under
23 this subsection shall not be subject to suspension nor shall
24 the person be eligible for probation in order to reduce the
25 assignment.

26 (e-2) Every person found guilty of violating this Section,

1 whose operation of a snowmobile while in violation of this
2 Section proximately caused any incident resulting in an
3 appropriate emergency response, shall be liable for the expense
4 of an emergency response as provided in subsection (i) of
5 Section 11-501.01 of the Illinois Vehicle Code.

6 (e-3) In addition to any other penalties and liabilities, a
7 person who is found guilty of violating this Section, including
8 any person placed on court supervision, shall be fined \$100,
9 payable to the circuit clerk, who shall distribute the money to
10 the law enforcement agency that made the arrest. In the event
11 that more than one agency is responsible for the arrest, the
12 \$100 shall be shared equally. Any moneys received by a law
13 enforcement agency under this subsection (e-3) shall be used to
14 purchase law enforcement equipment or to provide law
15 enforcement training that will assist in the prevention of
16 alcohol related criminal violence throughout the State. Law
17 enforcement equipment shall include, but is not limited to,
18 in-car video cameras, radar and laser speed detection devices,
19 and alcohol breath testers.

20 (f) In addition to any criminal penalties imposed, the
21 Department of Natural Resources shall suspend the snowmobile
22 operation privileges of a person convicted or found guilty of a
23 misdemeanor under this Section for a period of one year, except
24 that first-time offenders are exempt from this mandatory one
25 year suspension.

26 (g) In addition to any criminal penalties imposed, the

1 Department of Natural Resources shall suspend for a period of 5
2 years the snowmobile operation privileges of any person
3 convicted or found guilty of a felony under this Section.

4 (Source: P.A. 95-149, eff. 8-14-07; 96-1000, eff. 7-2-10.)

5 (625 ILCS 40/5-7.1)

6 Sec. 5-7.1. Implied consent.

7 (a) A person who operates or is in actual physical control
8 of a snowmobile in this State is deemed to have given consent
9 to a chemical test or tests of blood, breath, other bodily
10 substance, or urine for the purpose of determining the content
11 of alcohol, other drug or drugs, intoxicating compound or
12 compounds, or a combination of them in that person's blood if
13 arrested for a violation of Section 5-7. The chemical test or
14 tests shall be administered at the direction of the arresting
15 officer. The law enforcement agency employing the officer shall
16 designate which tests shall be administered. Up to 2 additional
17 tests of ~~A~~ urine or other bodily substance test may be
18 administered even after a blood or breath test or both has been
19 administered.

20 (a-1) For the purposes of this Section, an Illinois law
21 enforcement officer of this State who is investigating the
22 person for any offense defined in Section 5-7 may travel into
23 an adjoining state, where the person has been transported for
24 medical care to complete an investigation and to request that
25 the person submit to the test or tests set forth in this

1 Section. The requirements of this Section that the person be
2 arrested are inapplicable, but the officer shall issue the
3 person a uniform citation for an offense as defined in Section
4 5-7 or a similar provision of a local ordinance prior to
5 requesting that the person submit to the test or tests. The
6 issuance of the uniform citation shall not constitute an
7 arrest, but shall be for the purpose of notifying the person
8 that he or she is subject to the provisions of this Section and
9 of the officer's belief of the existence of probable cause to
10 arrest. Upon returning to this State, the officer shall file
11 the uniform citation with the circuit clerk of the county where
12 the offense was committed and shall seek the issuance of an
13 arrest warrant or a summons for the person.

14 (a-2) Notwithstanding any ability to refuse under this Act
15 to submit to these tests or any ability to revoke the implied
16 consent to these tests, if a law enforcement officer has
17 probable cause to believe that a snowmobile operated by or
18 under actual physical control of a person under the influence
19 of alcohol, other drug or drugs, intoxicating compound or
20 compounds, or any combination of them has caused the death or
21 personal injury to another, that person shall submit, upon the
22 request of a law enforcement officer, to a chemical test or
23 tests of his or her blood, breath, other bodily substance, or
24 urine for the purpose of determining the alcohol content or the
25 presence of any other drug or combination of both. For the
26 purposes of this Section, a personal injury includes severe

1 bleeding wounds, distorted extremities, and injuries that
2 require the injured party to be carried from the scene for
3 immediate professional attention in either a doctor's office or
4 a medical facility.

5 (b) A person who is dead, unconscious, or who is otherwise
6 in a condition rendering that person incapable of refusal, is
7 deemed not to have withdrawn the consent provided in subsection
8 (a), and the test or tests may be administered.

9 (c) A person requested to submit to a test as provided in
10 this Section shall be verbally advised by the law enforcement
11 officer requesting the test that a refusal to submit to the
12 test will result in suspension of that person's privilege to
13 operate a snowmobile for a minimum of 2 years.

14 (d) Following this warning, if a person under arrest
15 refuses upon the request of a law enforcement officer to submit
16 to a test designated by the officer, no tests may be given, but
17 the law enforcement officer shall file with the clerk of the
18 circuit court for the county in which the arrest was made, and
19 with the Department of Natural Resources, a sworn statement
20 naming the person refusing to take and complete the chemical
21 test or tests requested under the provisions of this Section.
22 The sworn statement shall identify the arrested person, the
23 person's current residence address and shall specify that a
24 refusal by that person to take the chemical test or tests was
25 made. The sworn statement shall include a statement that the
26 officer had reasonable cause to believe the person was

1 operating or was in actual physical control of the snowmobile
2 within this State while under the influence of alcohol, other
3 drug or drugs, an intoxicating compound or compound, or a
4 combination of them and that a chemical test or tests were
5 requested as an incident to and following the lawful arrest for
6 an offense as defined in Section 5-7 or a similar provision of
7 a local ordinance, and that the person, after being arrested
8 for an offense arising out of acts alleged to have been
9 committed while operating a snowmobile, refused to submit to
10 and complete a chemical test or tests as requested by the law
11 enforcement officer.

12 (e) The law enforcement officer submitting the sworn
13 statement shall serve immediate written notice upon the person
14 refusing the chemical test or tests that the person's privilege
15 to operate a snowmobile within this State will be suspended for
16 a period of 2 years unless, within 28 days from the date of the
17 notice, the person requests in writing a hearing on the
18 suspension.

19 If the person desires a hearing, the person shall file a
20 complaint in the circuit court in the county where that person
21 was arrested within 28 days from the date of the notice. The
22 hearing shall proceed in the court in the same manner as other
23 civil proceedings. The hearing shall cover only the following
24 issues: (1) whether the person was placed under arrest for an
25 offense as defined in Section 5-7 or a similar provision of a
26 local ordinance as evidenced by the issuance of a uniform

1 citation; (2) whether the arresting officer had reasonable
2 grounds to believe that the person was operating a snowmobile
3 while under the influence of alcohol, other drug or drugs, an
4 intoxicating compound or compounds, or a combination of them;
5 and (3) whether that person refused to submit to and complete
6 the chemical test or tests upon the request of the law
7 enforcement officer. Whether the person was informed that the
8 person's privilege to operate a snowmobile would be suspended
9 if that person refused to submit to the chemical test or tests
10 may not be an issue in the hearing.

11 If the person fails to request a hearing in writing within
12 28 days of the date of the notice, or if a hearing is held and
13 the court finds against the person on the issues before the
14 court, the clerk shall immediately notify the Department of
15 Natural Resources, and the Department shall suspend the
16 snowmobile operation privileges of that person for at least 2
17 years.

18 (f) (Blank).

19 (f-1) If the person submits to a test that discloses an
20 alcohol concentration of 0.08 or more, or any amount of a drug,
21 substance, or intoxicating compound in the person's breath,
22 blood, other bodily substance, or urine resulting from the
23 unlawful use of cannabis listed in the Cannabis Control Act, a
24 controlled substance listed in the Illinois Controlled
25 Substances Act, or an intoxicating compound listed in the Use
26 of Intoxicating Compounds Act, the law enforcement officer

1 shall immediately submit a sworn report to the circuit clerk of
2 venue and the Department of Natural Resources, certifying that
3 the test or tests was or were requested under subsection (a-1)
4 of this Section and the person submitted to testing that
5 disclosed an alcohol concentration of 0.08 or more.

6 In cases where the blood alcohol concentration of 0.08 or
7 greater or any amount of drug, substance, or compound resulting
8 from the unlawful use of cannabis, a controlled substance, or
9 an intoxicating compound is established by a subsequent
10 analysis of blood, other bodily substance, or urine collected
11 at the time of arrest, the arresting officer or arresting
12 agency shall immediately submit a sworn report to the circuit
13 clerk of venue and the Department of Natural Resources upon
14 receipt of the test results.

15 (g) A person must submit to each chemical test offered by
16 the law enforcement officer in order to comply with implied
17 consent provisions of this Section.

18 (h) The provision of Section 11-501.2 of the Illinois
19 Vehicle Code concerning the certification and use of chemical
20 tests applies to the use of those tests under this Section.

21 (Source: P.A. 93-156, eff. 1-1-04.)

22 (625 ILCS 40/5-7.4)

23 Sec. 5-7.4. Admissibility of chemical tests of blood, other
24 bodily substance, or urine conducted in the regular course of
25 providing emergency medical treatment.

1 (a) Notwithstanding any other provision of law, the results
2 of blood, other bodily substance, or urine tests performed for
3 the purpose of determining the content of alcohol, other drug
4 or drugs, intoxicating compound or compounds, or any
5 combination of them in an individual's blood, other bodily
6 substance, or urine conducted upon persons receiving medical
7 treatment in a hospital emergency room, are admissible in
8 evidence as a business record exception to the hearsay rule
9 only in prosecutions for a violation of Section 5-7 of this Act
10 or a similar provision of a local ordinance or in prosecutions
11 for reckless homicide brought under the Criminal Code of 1961
12 or the Criminal Code of 2012.

13 The results of the tests are admissible only when each of
14 the following criteria are met:

15 1. The chemical tests performed upon an individual's
16 blood, other bodily substance, or urine were ordered in the
17 regular course of providing emergency treatment and not at
18 the request of law enforcement authorities; and

19 2. The chemical tests performed upon an individual's
20 blood, other bodily substance, or urine were performed by
21 the laboratory routinely used by the hospital.

22 3. (Blank).

23 Results of chemical tests performed upon an individual's
24 blood, other bodily substance, or urine are admissible into
25 evidence regardless of the time that the records were prepared.

26 (b) The confidentiality provisions of law pertaining to

1 medical records and medical treatment are not applicable with
2 regard to chemical tests performed upon a person's blood, other
3 bodily substance, or urine under the provisions of this Section
4 in prosecutions as specified in subsection (a) of this Section.
5 No person shall be liable for civil damages as a result of the
6 evidentiary use of the results of chemical testing of the
7 individual's blood, other bodily substance, or urine under this
8 Section or as a result of that person's testimony made
9 available under this Section.

10 (Source: P.A. 96-289, eff. 8-11-09; 97-1150, eff. 1-25-13.)

11 (625 ILCS 40/5-7.6)

12 Sec. 5-7.6. Reporting of test results of blood, other
13 bodily substance, or urine conducted in the regular course of
14 providing emergency medical treatment.

15 (a) Notwithstanding any other provision of law, the results
16 of blood, other bodily substance, or urine tests performed for
17 the purpose of determining the content of alcohol, other drug
18 or drugs, intoxicating compound or compounds, or any
19 combination of them in an individual's blood, other bodily
20 substance, or urine, conducted upon persons receiving medical
21 treatment in a hospital emergency room for injuries resulting
22 from a snowmobile accident, shall be disclosed to the
23 Department of Natural Resources, or local law enforcement
24 agencies of jurisdiction, upon request. The blood, other bodily
25 substance, or urine tests are admissible in evidence as a

1 business record exception to the hearsay rule only in
2 prosecutions for violations of Section 5-7 of this Code or a
3 similar provision of a local ordinance, or in prosecutions for
4 reckless homicide brought under the Criminal Code of 1961 or
5 the Criminal Code of 2012.

6 (b) The confidentiality provisions of the law pertaining to
7 medical records and medical treatment shall not be applicable
8 with regard to tests performed upon an individual's blood,
9 other bodily substance, or urine under the provisions of
10 subsection (a) of this Section. No person shall be liable for
11 civil damages or professional discipline as a result of
12 disclosure or reporting of the tests or the evidentiary use of
13 an individual's blood, other bodily substance, or urine test
14 results under this Section or Section 5-7.4 or as a result of
15 that person's testimony made available under this Section or
16 Section 5-7.4, except for willful or wanton misconduct.

17 (Source: P.A. 97-1150, eff. 1-25-13.)

18 Section 30. The Boat Registration and Safety Act is amended
19 by changing Sections 5-16, 5-16a, 5-16a.1, and 5-16c as
20 follows:

21 (625 ILCS 45/5-16)

22 Sec. 5-16. Operating a watercraft under the influence of
23 alcohol, other drug or drugs, intoxicating compound or
24 compounds, or combination thereof.

1 (A) 1. A person shall not operate or be in actual physical
2 control of any watercraft within this State while:

3 (a) The alcohol concentration in such person's
4 blood, other bodily substance, or breath is a
5 concentration at which driving a motor vehicle is
6 prohibited under subdivision (1) of subsection (a) of
7 Section 11-501 of the Illinois Vehicle Code;

8 (b) Under the influence of alcohol;

9 (c) Under the influence of any other drug or
10 combination of drugs to a degree which renders such
11 person incapable of safely operating any watercraft;

12 (c-1) Under the influence of any intoxicating
13 compound or combination of intoxicating compounds to a
14 degree that renders the person incapable of safely
15 operating any watercraft;

16 (d) Under the combined influence of alcohol and any
17 other drug or drugs to a degree which renders such
18 person incapable of safely operating a watercraft; or

19 (e) There is any amount of a drug, substance, or
20 compound in the person's blood, other bodily
21 substance, or urine resulting from the unlawful use or
22 consumption of cannabis listed in the Cannabis Control
23 Act, a controlled substance listed in the Illinois
24 Controlled Substances Act, or an intoxicating compound
25 listed in the Use of Intoxicating Compounds Act.

26 2. The fact that any person charged with violating this

1 Section is or has been legally entitled to use alcohol,
2 other drug or drugs, any intoxicating compound or
3 compounds, or any combination of them, shall not constitute
4 a defense against any charge of violating this Section.

5 3. Every person convicted of violating this Section
6 shall be guilty of a Class A misdemeanor, except as
7 otherwise provided in this Section.

8 4. Every person convicted of violating this Section
9 shall be guilty of a Class 4 felony if:

10 (a) He has a previous conviction under this
11 Section;

12 (b) The offense results in personal injury where a
13 person other than the operator suffers great bodily
14 harm or permanent disability or disfigurement, when
15 the violation was a proximate cause of the injuries. A
16 person guilty of a Class 4 felony under this
17 subparagraph (b), if sentenced to a term of
18 imprisonment, shall be sentenced to a term of not less
19 than one year nor more than 12 years; or

20 (c) The offense occurred during a period in which
21 his or her privileges to operate a watercraft are
22 revoked or suspended, and the revocation or suspension
23 was for a violation of this Section or was imposed
24 under subsection (B).

25 5. Every person convicted of violating this Section
26 shall be guilty of a Class 2 felony if the offense results

1 in the death of a person. A person guilty of a Class 2
2 felony under this paragraph 5, if sentenced to a term of
3 imprisonment, shall be sentenced to a term of not less than
4 3 years and not more than 14 years.

5 5.1. A person convicted of violating this Section or a
6 similar provision of a local ordinance who had a child
7 under the age of 16 aboard the watercraft at the time of
8 offense is subject to a mandatory minimum fine of \$500 and
9 to a mandatory minimum of 5 days of community service in a
10 program benefiting children. The assignment under this
11 paragraph 5.1 is not subject to suspension and the person
12 is not eligible for probation in order to reduce the
13 assignment.

14 5.2. A person found guilty of violating this Section,
15 if his or her operation of a watercraft while in violation
16 of this Section proximately caused any incident resulting
17 in an appropriate emergency response, is liable for the
18 expense of an emergency response as provided in subsection
19 (m) of Section 11-501 of the Illinois Vehicle Code.

20 5.3. In addition to any other penalties and
21 liabilities, a person who is found guilty of violating this
22 Section, including any person placed on court supervision,
23 shall be fined \$100, payable to the circuit clerk, who
24 shall distribute the money to the law enforcement agency
25 that made the arrest. In the event that more than one
26 agency is responsible for the arrest, the \$100 shall be

1 shared equally. Any moneys received by a law enforcement
2 agency under this paragraph 5.3 shall be used to purchase
3 law enforcement equipment or to provide law enforcement
4 training that will assist in the prevention of alcohol
5 related criminal violence throughout the State. Law
6 enforcement equipment shall include, but is not limited to,
7 in-car video cameras, radar and laser speed detection
8 devices, and alcohol breath testers.

9 6. (a) In addition to any criminal penalties imposed,
10 the Department of Natural Resources shall suspend the
11 watercraft operation privileges of any person
12 convicted or found guilty of a misdemeanor under this
13 Section, a similar provision of a local ordinance, or
14 Title 46 of the U.S. Code of Federal Regulations for a
15 period of one year, except that a first time offender
16 is exempt from this mandatory one year suspension.

17 As used in this subdivision (A)6(a), "first time
18 offender" means any person who has not had a previous
19 conviction or been assigned supervision for violating
20 this Section, a similar provision of a local ordinance
21 or, Title 46 of the U.S. Code of Federal Regulations,
22 or any person who has not had a suspension imposed
23 under subdivision (B)3.1 of Section 5-16.

24 (b) In addition to any criminal penalties imposed,
25 the Department of Natural Resources shall suspend the
26 watercraft operation privileges of any person

1 convicted of a felony under this Section, a similar
2 provision of a local ordinance, or Title 46 of the U.S.
3 Code of Federal Regulations for a period of 3 years.

4 (B) 1. Any person who operates or is in actual physical
5 control of any watercraft upon the waters of this State
6 shall be deemed to have given consent to a chemical test or
7 tests of blood, breath, other bodily substance, or urine
8 for the purpose of determining the content of alcohol,
9 other drug or drugs, intoxicating compound or compounds, or
10 combination thereof in the person's blood if arrested for
11 any offense of subsection (A) above. The chemical test or
12 tests shall be administered at the direction of the
13 arresting officer. The law enforcement agency employing
14 the officer shall designate which of the tests shall be
15 administered. Up to 2 additional tests of A urine or other
16 bodily substance test ~~test~~ may be administered even after a
17 blood or breath test or both has been administered.

18 1.1. For the purposes of this Section, an Illinois Law
19 Enforcement officer of this State who is investigating the
20 person for any offense defined in Section 5-16 may travel
21 into an adjoining state, where the person has been
22 transported for medical care to complete an investigation,
23 and may request that the person submit to the test or tests
24 set forth in this Section. The requirements of this Section
25 that the person be arrested are inapplicable, but the
26 officer shall issue the person a uniform citation for an

1 offense as defined in Section 5-16 or a similar provision
2 of a local ordinance prior to requesting that the person
3 submit to the test or tests. The issuance of the uniform
4 citation shall not constitute an arrest, but shall be for
5 the purpose of notifying the person that he or she is
6 subject to the provisions of this Section and of the
7 officer's belief in the existence of probable cause to
8 arrest. Upon returning to this State, the officer shall
9 file the uniform citation with the circuit clerk of the
10 county where the offense was committed and shall seek the
11 issuance of an arrest warrant or a summons for the person.

12 1.2. Notwithstanding any ability to refuse under this
13 Act to submit to these tests or any ability to revoke the
14 implied consent to these tests, if a law enforcement
15 officer has probable cause to believe that a watercraft
16 operated by or under actual physical control of a person
17 under the influence of alcohol, other drug or drugs,
18 intoxicating compound or compounds, or any combination of
19 them has caused the death of or personal injury to another,
20 that person shall submit, upon the request of a law
21 enforcement officer, to a chemical test or tests of his or
22 her blood, breath, other bodily substance, or urine for the
23 purpose of determining the alcohol content or the presence
24 of any other drug, intoxicating compound, or combination of
25 them. For the purposes of this Section, a personal injury
26 includes severe bleeding wounds, distorted extremities,

1 and injuries that require the injured party to be carried
2 from the scene for immediate professional attention in
3 either a doctor's office or a medical facility.

4 2. Any person who is dead, unconscious or who is
5 otherwise in a condition rendering such person incapable of
6 refusal, shall be deemed not to have withdrawn the consent
7 provided above, and the test may be administered.

8 3. A person requested to submit to a chemical test as
9 provided above shall be verbally advised by the law
10 enforcement officer requesting the test that a refusal to
11 submit to the test will result in suspension of such
12 person's privilege to operate a watercraft for a minimum of
13 2 years. Following this warning, if a person under arrest
14 refuses upon the request of a law enforcement officer to
15 submit to a test designated by the officer, no test shall
16 be given, but the law enforcement officer shall file with
17 the clerk of the circuit court for the county in which the
18 arrest was made, and with the Department of Natural
19 Resources, a sworn statement naming the person refusing to
20 take and complete the chemical test or tests requested
21 under the provisions of this Section. Such sworn statement
22 shall identify the arrested person, such person's current
23 residence address and shall specify that a refusal by such
24 person to take the chemical test or tests was made. Such
25 sworn statement shall include a statement that the
26 arresting officer had reasonable cause to believe the

1 person was operating or was in actual physical control of
2 the watercraft within this State while under the influence
3 of alcohol, other drug or drugs, intoxicating compound or
4 compounds, or combination thereof and that such chemical
5 test or tests were made as an incident to and following the
6 lawful arrest for an offense as defined in this Section or
7 a similar provision of a local ordinance, and that the
8 person after being arrested for an offense arising out of
9 acts alleged to have been committed while so operating a
10 watercraft refused to submit to and complete a chemical
11 test or tests as requested by the law enforcement officer.

12 3.1. The law enforcement officer submitting the sworn
13 statement as provided in paragraph 3 of this subsection (B)
14 shall serve immediate written notice upon the person
15 refusing the chemical test or tests that the person's
16 privilege to operate a watercraft within this State will be
17 suspended for a period of 2 years unless, within 28 days
18 from the date of the notice, the person requests in writing
19 a hearing on the suspension.

20 If the person desires a hearing, such person shall file
21 a complaint in the circuit court for and in the county in
22 which such person was arrested for such hearing. Such
23 hearing shall proceed in the court in the same manner as
24 other civil proceedings, shall cover only the issues of
25 whether the person was placed under arrest for an offense
26 as defined in this Section or a similar provision of a

1 local ordinance as evidenced by the issuance of a uniform
2 citation; whether the arresting officer had reasonable
3 grounds to believe that such person was operating a
4 watercraft while under the influence of alcohol, other drug
5 or drugs, intoxicating compound or compounds, or
6 combination thereof; and whether such person refused to
7 submit and complete the chemical test or tests upon the
8 request of the law enforcement officer. Whether the person
9 was informed that such person's privilege to operate a
10 watercraft would be suspended if such person refused to
11 submit to the chemical test or tests shall not be an issue.

12 If the person fails to request in writing a hearing
13 within 28 days from the date of notice, or if a hearing is
14 held and the court finds against the person on the issues
15 before the court, the clerk shall immediately notify the
16 Department of Natural Resources, and the Department shall
17 suspend the watercraft operation privileges of the person
18 for at least 2 years.

19 3.2. If the person submits to a test that discloses an
20 alcohol concentration of 0.08 or more, or any amount of a
21 drug, substance or intoxicating compound in the person's
22 breath, blood, other bodily substance, or urine resulting
23 from the unlawful use of cannabis listed in the Cannabis
24 Control Act, a controlled substance listed in the Illinois
25 Controlled Substances Act, or an intoxicating compound
26 listed in the Use of Intoxicating Compounds Act, the law

1 enforcement officer shall immediately submit a sworn
2 report to the circuit clerk of venue and the Department of
3 Natural Resources, certifying that the test or tests were
4 requested under paragraph 1 of this subsection (B) and the
5 person submitted to testing that disclosed an alcohol
6 concentration of 0.08 or more.

7 In cases where the blood alcohol concentration of 0.08
8 or greater or any amount of drug, substance or compound
9 resulting from the unlawful use of cannabis, a controlled
10 substance or an intoxicating compound is established by a
11 subsequent analysis of blood, other bodily substance, or
12 urine collected at the time of arrest, the arresting
13 officer or arresting agency shall immediately submit a
14 sworn report to the circuit clerk of venue and the
15 Department of Natural Resources upon receipt of the test
16 results.

17 4. A person must submit to each chemical test offered
18 by the law enforcement officer in order to comply with the
19 implied consent provisions of this Section.

20 5. The provisions of Section 11-501.2 of the Illinois
21 Vehicle Code, as amended, concerning the certification and
22 use of chemical tests apply to the use of such tests under
23 this Section.

24 (C) Upon the trial of any civil or criminal action or
25 proceeding arising out of acts alleged to have been committed
26 by any person while operating a watercraft while under the

1 influence of alcohol, the concentration of alcohol in the
2 person's blood or breath at the time alleged as shown by
3 analysis of a person's blood, urine, breath, or other bodily
4 substance shall give rise to the presumptions specified in
5 subdivisions 1, 2, and 3 of subsection (b) of Section 11-501.2
6 of the Illinois Vehicle Code. The foregoing provisions of this
7 subsection (C) shall not be construed as limiting the
8 introduction of any other relevant evidence bearing upon the
9 question whether the person was under the influence of alcohol.

10 (D) If a person under arrest refuses to submit to a
11 chemical test under the provisions of this Section, evidence of
12 refusal shall be admissible in any civil or criminal action or
13 proceeding arising out of acts alleged to have been committed
14 while the person under the influence of alcohol, other drug or
15 drugs, intoxicating compound or compounds, or combination of
16 them was operating a watercraft.

17 (E) The owner of any watercraft or any person given
18 supervisory authority over a watercraft, may not knowingly
19 permit a watercraft to be operated by any person under the
20 influence of alcohol, other drug or drugs, intoxicating
21 compound or compounds, or combination thereof.

22 (F) Whenever any person is convicted or found guilty of a
23 violation of this Section, including any person placed on court
24 supervision, the court shall notify the Office of Law
25 Enforcement of the Department of Natural Resources, to provide
26 the Department with the records essential for the performance

1 of the Department's duties to monitor and enforce any order of
2 suspension or revocation concerning the privilege to operate a
3 watercraft.

4 (G) No person who has been arrested and charged for
5 violating paragraph 1 of subsection (A) of this Section shall
6 operate any watercraft within this State for a period of 24
7 hours after such arrest.

8 (Source: P.A. 94-214, eff. 1-1-06; 95-149, eff. 8-14-07.)

9 (625 ILCS 45/5-16a) (from Ch. 95 1/2, par. 315-11a)

10 Sec. 5-16a. Admissibility of chemical tests of blood, other
11 bodily substance, or urine conducted in the regular course of
12 providing emergency medical treatment.

13 (a) Notwithstanding any other provision of law, the written
14 results of blood, other bodily substance, or urine alcohol
15 tests conducted upon persons receiving medical treatment in a
16 hospital emergency room are admissible in evidence as a
17 business record exception to the hearsay rule only in
18 prosecutions for any violation of Section 5-16 of this Act or a
19 similar provision of a local ordinance or in prosecutions for
20 reckless homicide brought under the Criminal Code of 1961 or
21 the Criminal Code of 2012, when:

22 (1) the chemical tests performed upon an individual's
23 blood, other bodily substance, or urine were ordered in the
24 regular course of providing emergency treatment and not at
25 the request of law enforcement authorities; and

1 (2) the chemical tests performed upon an individual's
2 blood, other bodily substance, or urine were performed by
3 the laboratory routinely used by the hospital.

4 Results of chemical tests performed upon an individual's
5 blood, other bodily substance, or urine are admissible into
6 evidence regardless of the time that the records were prepared.

7 (b) The confidentiality provisions of law pertaining to
8 medical records and medical treatment shall not be applicable
9 with regard to chemical tests performed upon an individual's
10 blood, other bodily substance, or urine under the provisions of
11 this Section in prosecutions as specified in subsection (a) of
12 this Section. No person shall be liable for civil damages as a
13 result of the evidentiary use of the results of chemical
14 testing of an individual's blood, other bodily substance, or
15 urine under this Section or as a result of that person's
16 testimony made available under this Section.

17 (Source: P.A. 96-289, eff. 8-11-09; 97-1150, eff. 1-25-13.)

18 (625 ILCS 45/5-16a.1)

19 Sec. 5-16a.1. Reporting of test results of blood, other
20 bodily substance, or urine conducted in the regular course of
21 providing emergency medical treatment.

22 (a) Notwithstanding any other provision of law, the results
23 of blood, other bodily substance, or urine tests performed for
24 the purpose of determining the content of alcohol, other drug
25 or drugs, intoxicating compound or compounds, or any

1 combination of them in an individual's blood, other bodily
2 substance, or urine, conducted upon persons receiving medical
3 treatment in a hospital emergency room for injuries resulting
4 from a boating accident, shall be disclosed to the Department
5 of Natural Resources or local law enforcement agencies of
6 jurisdiction, upon request. The blood, other bodily substance,
7 or urine tests are admissible in evidence as a business record
8 exception to the hearsay rule only in prosecutions for
9 violations of Section 5-16 of this Code or a similar provision
10 of a local ordinance, or in prosecutions for reckless homicide
11 brought under the Criminal Code of 1961 or the Criminal Code of
12 2012.

13 (b) The confidentiality provisions of the law pertaining to
14 medical records and medical treatment shall not be applicable
15 with regard to tests performed upon an individual's blood, other bodily substance,
16 or urine under the provisions of
17 subsection (a) of this Section. No person is liable for civil
18 damages or professional discipline as a result of disclosure or
19 reporting of the tests or the evidentiary use of an
20 individual's blood, other bodily substance, or urine test
21 results under this Section or Section 5-16a, or as a result of
22 that person's testimony made available under this Section or
23 Section 5-16a, except for willful or wanton misconduct.

24 (Source: P.A. 97-1150, eff. 1-25-13.)

1 Sec. 5-16c. Operator involvement in personal injury or
2 fatal boating accident; chemical tests.

3 (a) Any person who operates or is in actual physical
4 control of a motorboat within this State and who has been
5 involved in a personal injury or fatal boating accident shall
6 be deemed to have given consent to a breath test using a
7 portable device as approved by the Department of State Police
8 or to a chemical test or tests of blood, breath, other bodily
9 substance, or urine for the purpose of determining the content
10 of alcohol, other drug or drugs, or intoxicating compound or
11 compounds of the person's blood if arrested as evidenced by the
12 issuance of a uniform citation for a violation of the Boat
13 Registration and Safety Act or a similar provision of a local
14 ordinance, with the exception of equipment violations
15 contained in Article IV of this Act or similar provisions of
16 local ordinances. The test or tests shall be administered at
17 the direction of the arresting officer. The law enforcement
18 agency employing the officer shall designate which of the
19 aforesaid tests shall be administered. Up to 2 additional tests
20 of A urine or other bodily substance test may be administered
21 even after a blood or breath test or both has been
22 administered. Compliance with this Section does not relieve the
23 person from the requirements of any other Section of this Act.

24 (b) Any person who is dead, unconscious, or who is
25 otherwise in a condition rendering that person incapable of
26 refusal shall be deemed not to have withdrawn the consent

1 provided by subsection (a) of this Section. In addition, if an
2 operator of a motorboat is receiving medical treatment as a
3 result of a boating accident, any physician licensed to
4 practice medicine, licensed physician assistant, licensed
5 advanced practice nurse, registered nurse, or a phlebotomist
6 acting under the direction of a licensed physician shall
7 withdraw blood for testing purposes to ascertain the presence
8 of alcohol, other drug or drugs, or intoxicating compound or
9 compounds, upon the specific request of a law enforcement
10 officer. However, this testing shall not be performed until, in
11 the opinion of the medical personnel on scene, the withdrawal
12 can be made without interfering with or endangering the
13 well-being of the patient.

14 (c) A person requested to submit to a test under subsection
15 (a) of this Section shall be warned by the law enforcement
16 officer requesting the test that a refusal to submit to the
17 test, or submission to the test resulting in an alcohol
18 concentration of 0.08 or more, or any amount of a drug,
19 substance, or intoxicating compound resulting from the
20 unlawful use or consumption of cannabis listed in the Cannabis
21 Control Act, a controlled substance listed in the Illinois
22 Controlled Substances Act, an intoxicating compound listed in
23 the Use of Intoxicating Compounds Act, or methamphetamine as
24 listed in the Methamphetamine Control and Community Protection
25 Act as detected in the person's blood, other bodily substance,
26 or urine, may result in the suspension of the person's

1 privilege to operate a motor vehicle and may result in the
2 disqualification of the person's privilege to operate a
3 commercial motor vehicle, as provided in Section 6-514 of the
4 Illinois Vehicle Code, if the person is a CDL holder. The
5 length of the suspension shall be the same as outlined in
6 Section 6-208.1 of the Illinois Vehicle Code regarding
7 statutory summary suspensions.

8 (d) If the person refuses testing or submits to a test
9 which discloses an alcohol concentration of 0.08 or more, or
10 any amount of a drug, substance, or intoxicating compound in
11 the person's blood, other bodily substance, or urine resulting
12 from the unlawful use or consumption of cannabis listed in the
13 Cannabis Control Act, a controlled substance listed in the
14 Illinois Controlled Substances Act, an intoxicating compound
15 listed in the Use of Intoxicating Compounds Act, or
16 methamphetamine as listed in the Methamphetamine Control and
17 Community Protection Act, the law enforcement officer shall
18 immediately submit a sworn report to the Secretary of State on
19 a form prescribed by the Secretary of State, certifying that
20 the test or tests were requested under subsection (a) of this
21 Section and the person refused to submit to a test or tests or
22 submitted to testing which disclosed an alcohol concentration
23 of 0.08 or more, or any amount of a drug, substance, or
24 intoxicating compound in the person's blood, other bodily
25 substance, or urine, resulting from the unlawful use or
26 consumption of cannabis listed in the Cannabis Control Act, a

1 controlled substance listed in the Illinois Controlled
2 Substances Act, an intoxicating compound listed in the Use of
3 Intoxicating Compounds Act, or methamphetamine as listed in the
4 Methamphetamine Control and Community Protection Act.

5 Upon receipt of the sworn report of a law enforcement
6 officer, the Secretary of State shall enter the suspension and
7 disqualification to the person's driving record and the
8 suspension and disqualification shall be effective on the 46th
9 day following the date notice of the suspension was given to
10 the person.

11 The law enforcement officer submitting the sworn report
12 shall serve immediate notice of this suspension on the person
13 and this suspension and disqualification shall be effective on
14 the 46th day following the date notice was given.

15 In cases where the blood alcohol concentration of 0.08 or
16 more, or any amount of a drug, substance, or intoxicating
17 compound resulting from the unlawful use or consumption of
18 cannabis listed in the Cannabis Control Act, a controlled
19 substance listed in the Illinois Controlled Substances Act, an
20 intoxicating compound listed in the Use of Intoxicating
21 Compounds Act, or methamphetamine as listed in the
22 Methamphetamine Control and Community Protection Act, is
23 established by a subsequent analysis of blood, other bodily
24 substance, or urine collected at the time of arrest, the
25 arresting officer shall give notice as provided in this Section
26 or by deposit in the United States mail of this notice in an

1 envelope with postage prepaid and addressed to the person at
2 his or her address as shown on the uniform citation and the
3 suspension and disqualification shall be effective on the 46th
4 day following the date notice was given.

5 Upon receipt of the sworn report of a law enforcement
6 officer, the Secretary of State shall also give notice of the
7 suspension and disqualification to the person by mailing a
8 notice of the effective date of the suspension and
9 disqualification to the person. However, should the sworn
10 report be defective by not containing sufficient information or
11 be completed in error, the notice of the suspension and
12 disqualification shall not be mailed to the person or entered
13 to the driving record, but rather the sworn report shall be
14 returned to the issuing law enforcement agency.

15 (e) A person may contest this suspension of his or her
16 driving privileges and disqualification of his or her CDL
17 privileges by requesting an administrative hearing with the
18 Secretary of State in accordance with Section 2-118 of the
19 Illinois Vehicle Code. At the conclusion of a hearing held
20 under Section 2-118 of the Illinois Vehicle Code, the Secretary
21 of State may rescind, continue, or modify the orders of
22 suspension and disqualification. If the Secretary of State does
23 not rescind the orders of suspension and disqualification, a
24 restricted driving permit may be granted by the Secretary of
25 State upon application being made and good cause shown. A
26 restricted driving permit may be granted to relieve undue

1 hardship to allow driving for employment, educational, and
2 medical purposes as outlined in Section 6-206 of the Illinois
3 Vehicle Code. The provisions of Section 6-206 of the Illinois
4 Vehicle Code shall apply. In accordance with 49 C.F.R. 384, the
5 Secretary of State may not issue a restricted driving permit
6 for the operation of a commercial motor vehicle to a person
7 holding a CDL whose driving privileges have been suspended,
8 revoked, cancelled, or disqualified.

9 (f) For the purposes of this Section, a personal injury
10 shall include any type A injury as indicated on the accident
11 report completed by a law enforcement officer that requires
12 immediate professional attention in a doctor's office or a
13 medical facility. A type A injury shall include severely
14 bleeding wounds, distorted extremities, and injuries that
15 require the injured party to be carried from the scene.

16 (Source: P.A. 98-103, eff. 1-1-14.)

17 Section 35. The Juvenile Court Act of 1987 is amended by
18 changing Section 5-125 as follows:

19 (705 ILCS 405/5-125)

20 Sec. 5-125. Concurrent jurisdiction. Any minor alleged to
21 have violated a traffic, boating, or fish and game law, or a
22 municipal or county ordinance, may be prosecuted for the
23 violation and if found guilty punished under any statute or
24 ordinance relating to the violation, without reference to the

1 procedures set out in this Article, except that:

2 (1) any detention, must be in compliance with this Article;
3 and

4 (2) the confidentiality of records provisions in Part 9 of
5 this Article shall apply to any law enforcement and court
6 records relating to prosecution of a minor under 18 years of
7 age for a municipal or county ordinance violation or a
8 violation of subsection (a) of Section 4 of the Cannabis
9 Control Act or subsection (c) of Section 3.5 of the Drug
10 Paraphernalia Control Act; except that these confidentiality
11 provisions shall not apply to or affect any proceeding to
12 adjudicate the violation.

13 For the purpose of this Section, "traffic violation" shall
14 include a violation of Section 9-3 of the Criminal Code of 1961
15 or the Criminal Code of 2012 relating to the offense of
16 reckless homicide, Section 11-501 of the Illinois Vehicle Code,
17 or any similar county or municipal ordinance.

18 (Source: P.A. 97-1150, eff. 1-25-13.)

19 Section 40. The Cannabis Control Act is amended by changing
20 Section 4 and by adding Section 5.3 as follows:

21 (720 ILCS 550/4) (from Ch. 56 1/2, par. 704)

22 Sec. 4. It is unlawful for any person knowingly to possess
23 cannabis. Any person who violates this section with respect to:

24 (a) not more than 15 ~~2.5~~ grams of any substance

1 containing cannabis is guilty of a civil law violation
2 punishable by a minimum fine of \$45 and a maximum fine of
3 \$125. The proceeds of the fine shall be payable to the
4 clerk of the circuit court who shall deposit the moneys
5 from the fine into a special fund in the county treasury.
6 Within 30 days after the deposit of the fine into the
7 special fund, the county treasurer shall distribute the
8 proceeds of the fine as follows:

9 (1) \$10 of the fine to the circuit clerk and \$10 of
10 the fine to the law enforcement agency that issued the
11 citation; the proceeds of each \$10 fine distributed to
12 the circuit clerk and each \$10 fine distributed to the
13 law enforcement agency that issued the citation for the
14 violation shall be used to defer the cost of automatic
15 expungements under paragraph (2.5) of subsection (a)
16 of Section 5.2 of the Criminal Identification Act;

17 (2) \$15 to the county to fund drug addiction
18 services;

19 (3) \$10 to the Office of the State's Attorneys
20 Appellate Prosecutor for use in training programs; and

21 (4) any remainder of the fine to the law
22 enforcement agency that issued the citation for the
23 violation.

24 With respect to funds designated for the Department of
25 State Police, the moneys shall be remitted by the circuit
26 court clerk to the Department of State Police within one

1 month after receipt for deposit into the State Police
2 Operations Assistance Fund. With respect to funds
3 designated for the Department of Natural Resources, the
4 Department of Natural Resources shall deposit the moneys
5 into the Conservation Police Operations Assistance Fund
6 ~~Class C misdemeanor;~~

7 (b) more than 15 ~~2.5~~ grams but not more than 30 ~~10~~
8 grams of any substance containing cannabis is guilty of a
9 Class B misdemeanor;

10 (c) more than 30 ~~10~~ grams but not more than 100 ~~30~~
11 grams of any substance containing cannabis is guilty of a
12 Class A misdemeanor; provided, that if any offense under
13 this subsection (c) is a subsequent offense, the offender
14 shall be guilty of a Class 4 felony;

15 (d) more than 100 ~~30~~ grams but not more than 500 grams
16 of any substance containing cannabis is guilty of a Class 4
17 felony; provided that if any offense under this subsection
18 (d) is a subsequent offense, the offender shall be guilty
19 of a Class 3 felony;

20 (e) more than 500 grams but not more than 2,000 grams
21 of any substance containing cannabis is guilty of a Class 3
22 felony;

23 (f) more than 2,000 grams but not more than 5,000 grams
24 of any substance containing cannabis is guilty of a Class 2
25 felony;

26 (g) more than 5,000 grams of any substance containing

1 cannabis is guilty of a Class 1 felony.

2 (Source: P.A. 90-397, eff. 8-15-97.)

3 (720 ILCS 550/5.3 new)

4 Sec. 5.3. Unlawful use of cannabis-based product
5 manufacturing equipment.

6 (a) A person commits unlawful use of cannabis-based product
7 manufacturing equipment when he or she knowingly engages in the
8 possession, procurement, transportation, storage, or delivery
9 of any equipment used in the manufacturing of any
10 cannabis-based product using volatile or explosive gas,
11 including, but not limited to, canisters of butane gas, with
12 the intent to manufacture, compound, covert, produce, derive,
13 process, or prepare either directly or indirectly any
14 cannabis-based product.

15 (b) This Section does not apply to a cultivation center or
16 cultivation center agent that prepares medical cannabis or
17 cannabis-infused products in compliance with the Compassionate
18 Use of Medical Cannabis Pilot Program Act and Department of
19 Public Health and Department of Agriculture rules.

20 (c) Sentence. A person who violates this Section is guilty
21 of a Class 2 felony.

22 Section 45. The Drug Paraphernalia Control Act is amended
23 by changing Section 3.5 as follows:

1 (720 ILCS 600/3.5)

2 Sec. 3.5. Possession of drug paraphernalia.

3 (a) A person who knowingly possesses an item of drug
4 paraphernalia with the intent to use it in ingesting, inhaling,
5 or otherwise introducing cannabis or a controlled substance
6 into the human body, or in preparing cannabis or a controlled
7 substance for that use, is guilty of a Class A misdemeanor for
8 which the court shall impose a minimum fine of \$750 in addition
9 to any other penalty prescribed for a Class A misdemeanor. This
10 subsection (a) does not apply to a person who is legally
11 authorized to possess hypodermic syringes or needles under the
12 Hypodermic Syringes and Needles Act.

13 (b) In determining intent under subsection (a), the trier
14 of fact may take into consideration the proximity of the
15 cannabis or controlled substances to drug paraphernalia or the
16 presence of cannabis or a controlled substance on the drug
17 paraphernalia.

18 (c) If a person violates subsection (a) of Section 4 of the
19 Cannabis Control Act, the penalty for possession of any drug
20 paraphernalia seized during the violation for that offense
21 shall be a civil law violation punishable by a minimum fine of
22 \$45 and a maximum fine of \$125. The proceeds of the fine shall
23 be payable to the clerk of the circuit court who shall deposit
24 the moneys from the fine into a special fund in the county
25 treasury. Within 30 days after the deposit of the fine into the
26 special fund, the county treasurer shall distribute the

1 proceeds of the fine as follows:

2 (1) \$10 of the fine to the circuit clerk and \$10 of the
3 fine to the law enforcement agency that issued the
4 citation; the proceeds of each \$10 fine distributed to the
5 circuit clerk and each \$10 fine distributed to the law
6 enforcement agency that issued the citation for the
7 violation shall be used to defer the cost of automatic
8 expungements under paragraph (2.5) of subsection (a) of
9 Section 5.2 of the Criminal Identification Act;

10 (2) \$15 to the county to fund drug addiction services;

11 (3) \$10 to the Office of the State's Attorneys
12 Appellate Prosecutor for use in training programs; and

13 (4) any remainder of the fine to the law enforcement
14 agency that issued the citation for the violation.

15 With respect to funds designated for the Department of
16 State Police, the moneys shall be remitted by the circuit court
17 clerk to the Department of State Police within one month after
18 receipt for deposit into the State Police Operations Assistance
19 Fund. With respect to funds designated for the Department of
20 Natural Resources, the Department of Natural Resources shall
21 deposit the moneys into the Conservation Police Operations
22 Assistance Fund.

23 (Source: P.A. 93-392, eff. 7-25-03.)

24 Section 50. The Code of Criminal Procedure of 1963 is
25 amended by changing 115-15 and by adding Section 115-23 as

1 follows:

2 (725 ILCS 5/115-15)

3 Sec. 115-15. Laboratory reports.

4 (a) In any criminal prosecution for a violation of the
5 Cannabis Control Act, the Illinois Controlled Substances Act,
6 or the Methamphetamine Control and Community Protection Act, a
7 laboratory report from the Department of State Police, Division
8 of Forensic Services, that is signed and sworn to by the person
9 performing an analysis and that states (1) that the substance
10 that is the basis of the alleged violation has been weighed and
11 analyzed, and (2) the person's findings as to the contents,
12 weight and identity of the substance, and (3) that it contains
13 any amount of a controlled substance or cannabis is prima facie
14 evidence of the contents, identity and weight of the substance.
15 Attached to the report shall be a copy of a notarized statement
16 by the signer of the report giving the name of the signer and
17 stating (i) that he or she is an employee of the Department of
18 State Police, Division of Forensic Services, (ii) the name and
19 location of the laboratory where the analysis was performed,
20 (iii) that performing the analysis is a part of his or her
21 regular duties, and (iv) that the signer is qualified by
22 education, training and experience to perform the analysis. The
23 signer shall also allege that scientifically accepted tests
24 were performed with due caution and that the evidence was
25 handled in accordance with established and accepted procedures

1 while in the custody of the laboratory.

2 (a-5) In any criminal prosecution for reckless homicide
3 under Section 9-3 of the Criminal Code of 1961 or the Criminal
4 Code of 2012, or driving under the influence of alcohol, other
5 drug, or combination of both, in violation of Section 11-501 of
6 the Illinois Vehicle Code or in any civil action held under a
7 statutory summary suspension or revocation hearing under
8 Section 2-118.1 of the Illinois Vehicle Code, a laboratory
9 report from the Department of State Police, Division of
10 Forensic Services, that is signed and sworn to by the person
11 performing an analysis, and that states that the sample of
12 blood, other bodily substance, or urine was tested for alcohol
13 or drugs, and contains the person's findings as to the presence
14 and amount of alcohol or drugs and type of drug is prima facie
15 evidence of the presence, content, and amount of the alcohol or
16 drugs analyzed in the blood, other bodily substance, or urine.
17 Attached to the report must be a copy of a notarized statement
18 by the signer of the report giving the name of the signer and
19 stating (1) that he or she is an employee of the Department of
20 State Police, Division of Forensic Services, (2) the name and
21 location of the laboratory where the analysis was performed,
22 (3) that performing the analysis is a part of his or her
23 regular duties, (4) that the signer is qualified by education,
24 training, and experience to perform the analysis, and (5) that
25 scientifically accepted tests were performed with due caution
26 and that the evidence was handled in accordance with

1 established and accepted procedures while in the custody of the
2 laboratory.

3 (b) The State's Attorney shall serve a copy of the report
4 on the attorney of record for the accused, or on the accused if
5 he or she has no attorney, before any proceeding in which the
6 report is to be used against the accused other than at a
7 preliminary hearing or grand jury hearing when the report may
8 be used without having been previously served upon the accused.

9 (c) The report shall not be prima facie evidence if the
10 accused or his or her attorney demands the testimony of the
11 person signing the report by serving the demand upon the
12 State's Attorney within 7 days from the accused or his or her
13 attorney's receipt of the report.

14 (Source: P.A. 96-1344, eff. 7-1-11; 97-1150, eff. 1-25-13.)

15 (725 ILCS 5/115-23 new)

16 Sec. 115-23. Admissibility of cannabis. In a prosecution
17 for a violation of subsection (a) of Section 4 of the Cannabis
18 Control Act or a municipal ordinance for possession of cannabis
19 that is punished by only a fine, cannabis shall only be
20 admitted into evidence based upon:

21 (1) a properly administered field test; or

22 (2) opinion testimony of a peace officer based on the
23 officer's training and experience as qualified by the
24 court.

1 Section 55. The Unified Code of Corrections is amended by
2 changing Section 5-9-1.9 as follows:

3 (730 ILCS 5/5-9-1.9)

4 Sec. 5-9-1.9. DUI analysis fee.

5 (a) "Crime laboratory" means a not-for-profit laboratory
6 substantially funded by a single unit or combination of units
7 of local government or the State of Illinois that regularly
8 employs at least one person engaged in the DUI analysis of
9 blood, other bodily substance, and urine for criminal justice
10 agencies in criminal matters and provides testimony with
11 respect to such examinations.

12 "DUI analysis" means an analysis of blood, other bodily
13 substance, or urine for purposes of determining whether a
14 violation of Section 11-501 of the Illinois Vehicle Code has
15 occurred.

16 (b) When a person has been adjudged guilty of an offense in
17 violation of Section 11-501 of the Illinois Vehicle Code, in
18 addition to any other disposition, penalty, or fine imposed, a
19 crime laboratory DUI analysis fee of \$150 for each offense for
20 which the person was convicted shall be levied by the court for
21 each case in which a laboratory analysis occurred. Upon
22 verified petition of the person, the court may suspend payment
23 of all or part of the fee if it finds that the person does not
24 have the ability to pay the fee.

25 (c) In addition to any other disposition made under the

1 provisions of the Juvenile Court Act of 1987, any minor
2 adjudicated delinquent for an offense which if committed by an
3 adult would constitute a violation of Section 11-501 of the
4 Illinois Vehicle Code shall be assessed a crime laboratory DUI
5 analysis fee of \$150 for each adjudication. Upon verified
6 petition of the minor, the court may suspend payment of all or
7 part of the fee if it finds that the minor does not have the
8 ability to pay the fee. The parent, guardian, or legal
9 custodian of the minor may pay some or all of the fee on the
10 minor's behalf.

11 (d) All crime laboratory DUI analysis fees provided for by
12 this Section shall be collected by the clerk of the court and
13 forwarded to the appropriate crime laboratory DUI fund as
14 provided in subsection (f).

15 (e) Crime laboratory funds shall be established as follows:

16 (1) A unit of local government that maintains a crime
17 laboratory may establish a crime laboratory DUI fund within
18 the office of the county or municipal treasurer.

19 (2) Any combination of units of local government that
20 maintains a crime laboratory may establish a crime
21 laboratory DUI fund within the office of the treasurer of
22 the county where the crime laboratory is situated.

23 (3) The State Police DUI Fund is created as a special
24 fund in the State Treasury.

25 (f) The analysis fee provided for in subsections (b) and
26 (c) of this Section shall be forwarded to the office of the

1 treasurer of the unit of local government that performed the
2 analysis if that unit of local government has established a
3 crime laboratory DUI fund, or to the State Treasurer for
4 deposit into the State Police DUI Fund if the analysis was
5 performed by a laboratory operated by the Department of State
6 Police. If the analysis was performed by a crime laboratory
7 funded by a combination of units of local government, the
8 analysis fee shall be forwarded to the treasurer of the county
9 where the crime laboratory is situated if a crime laboratory
10 DUI fund has been established in that county. If the unit of
11 local government or combination of units of local government
12 has not established a crime laboratory DUI fund, then the
13 analysis fee shall be forwarded to the State Treasurer for
14 deposit into the State Police DUI Fund. The clerk of the
15 circuit court may retain the amount of \$10 from each collected
16 analysis fee to offset administrative costs incurred in
17 carrying out the clerk's responsibilities under this Section.

18 (g) Fees deposited into a crime laboratory DUI fund created
19 under paragraphs (1) and (2) of subsection (e) of this Section
20 shall be in addition to any allocations made pursuant to
21 existing law and shall be designated for the exclusive use of
22 the crime laboratory. These uses may include, but are not
23 limited to, the following:

24 (1) Costs incurred in providing analysis for DUI
25 investigations conducted within this State.

26 (2) Purchase and maintenance of equipment for use in

1 performing analyses.

2 (3) Continuing education, training, and professional
3 development of forensic scientists regularly employed by
4 these laboratories.

5 (h) Fees deposited in the State Police DUI Fund created
6 under paragraph (3) of subsection (e) of this Section shall be
7 used by State crime laboratories as designated by the Director
8 of State Police. These funds shall be in addition to any
9 allocations made according to existing law and shall be
10 designated for the exclusive use of State crime laboratories.
11 These uses may include those enumerated in subsection (g) of
12 this Section.

13 (Source: P.A. 91-822, eff. 6-13-00.)

14 Section 95. No acceleration or delay. Where this Act makes
15 changes in a statute that is represented in this Act by text
16 that is not yet or no longer in effect (for example, a Section
17 represented by multiple versions), the use of that text does
18 not accelerate or delay the taking effect of (i) the changes
19 made by this Act or (ii) provisions derived from any other
20 Public Act."