



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

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

8 (3) Conviction for a first violation of:

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

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

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

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

26 (v) Causing a fatality through the negligent

1 operation of a commercial motor vehicle, including but
2 not limited to the crimes of motor vehicle
3 manslaughter, homicide by a motor vehicle, and
4 negligent homicide.

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

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

22 (4) (Blank).

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

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

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

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

1 commercial motor vehicle for a period of not less than 4 months
2 if convicted of 3 serious traffic violations, committed in a
3 commercial motor vehicle, non-CMV while holding a CLP or CDL,
4 or any combination thereof, arising from separate incidents,
5 occurring within a 3 year period, provided the serious traffic
6 violation committed in a non-CMV would result in the suspension
7 or revocation of the CLP or CDL holder's non-CMV privileges. If
8 all the convictions occurred in a non-CMV, the disqualification
9 shall be entered only if the convictions would result in the
10 suspension or revocation of the CLP or CDL holder's non-CMV
11 privileges.

12 (e-1) (Blank).

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

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

25 (h) The "disqualifications" referred to in this Section
26 shall not be imposed upon any commercial motor vehicle driver,

1 by the Secretary of State, unless the prohibited action(s)
2 occurred after March 31, 1992.

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

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

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

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

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

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

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

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

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

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

22 (i) For drivers who are not required to always
23 stop, failing to slow down and check that the tracks
24 are clear of an approaching train or railroad track
25 equipment, as described in subsection (a-5) of Section
26 11-1201 of this Code;

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

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

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

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

16 (vi) For all drivers, failing to negotiate a
17 crossing because of insufficient undercarriage
18 clearance, as described in subsection (d-1) of Section
19 11-1201 of this Code.

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

22 (i) First violation. A driver must be disqualified
23 from operating a commercial motor vehicle for not less
24 than 60 days if the driver is convicted of a violation
25 described in paragraph (1) of this subsection (j) and,
26 in the three-year period preceding the conviction, the

1 driver had no convictions for a violation described in
2 paragraph (1) of this subsection (j).

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

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

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

1 the action that has been taken.

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

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

9 (625 ILCS 5/6-517) (from Ch. 95 1/2, par. 6-517)

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

11 (a) Any person driving a commercial motor vehicle who is
12 requested by a police officer, pursuant to Section 6-516, to
13 submit to a chemical test or tests to determine the alcohol
14 concentration or any amount of a drug, substance, or compound
15 resulting from the unlawful use or consumption of cannabis
16 listed in the Cannabis Control Act, a controlled substance
17 listed in the Illinois Controlled Substances Act, an
18 intoxicating compound listed in the Use of Intoxicating
19 Compounds Act, or methamphetamine as listed in the
20 Methamphetamine Control and Community Protection Act in such
21 person's system, must be warned by the police officer
22 requesting the test or tests that a refusal to submit to the
23 test or tests will result in that person being immediately
24 placed out-of-service for a period of 24 hours and being
25 disqualified from operating a commercial motor vehicle for a

1 period of not less than 12 months; the person shall also be
2 warned that if such person submits to testing which discloses
3 an alcohol concentration of greater than 0.00 but less than
4 0.04 or any amount of a drug, substance, or compound in such
5 person's blood, other bodily substance, or urine resulting from
6 the unlawful use or consumption of cannabis listed in the
7 Cannabis Control Act, a controlled substance listed in the
8 Illinois Controlled Substances Act, an intoxicating compound
9 listed in the Use of Intoxicating Compounds Act, or
10 methamphetamine as listed in the Methamphetamine Control and
11 Community Protection Act, such person shall be placed
12 immediately out-of-service for a period of 24 hours; if the
13 person submits to testing which discloses an alcohol
14 concentration of 0.04 or more or any amount of a drug,
15 substance, or compound in such person's blood, other bodily
16 substance, or urine resulting from the unlawful use or
17 consumption of cannabis listed in the Cannabis Control Act, a
18 controlled substance listed in the Illinois Controlled
19 Substances Act, an intoxicating compound listed in the Use of
20 Intoxicating Compounds Act, or methamphetamine as listed in the
21 Methamphetamine Control and Community Protection Act, such
22 person shall be placed immediately out-of-service and
23 disqualified from driving a commercial motor vehicle for a
24 period of at least 12 months; also the person shall be warned
25 that if such testing discloses an alcohol concentration of
26 0.08, or more or any amount of a drug, substance, or compound

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

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

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

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

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

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

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

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

1 forwarded to the issuing agency identifying any such defect.

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

3 (625 ILCS 5/11-401) (from Ch. 95 1/2, par. 11-401)

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

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

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

1 directly or indirectly, as a basis for the prosecution of any
2 violation of paragraph (a).

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

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

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

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

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

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

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

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

1 Community Protection Act and was subsequently found not guilty
2 of violating Section 11-501, or a similar provision of a local
3 ordinance.

4 (Source: P.A. 95-355, eff. 1-1-08; 96-607, eff. 8-24-09;
5 96-1344, eff. 7-1-11.)

6 (625 ILCS 5/11-500.1)

7 Sec. 11-500.1. Immunity.

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

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

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

21 (625 ILCS 5/11-501) (from Ch. 95 1/2, par. 11-501)

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

1 (a) A person shall not drive or be in actual physical
2 control of any vehicle within this State while:

3 (1) the alcohol concentration in the person's blood,
4 other bodily substance, or breath is 0.08 or more based on
5 the definition of blood and breath units in Section
6 11-501.2;

7 (2) under the influence of alcohol;

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

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

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

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

26 (7) the person has, within 2 hours of driving or being

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

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

18 (c) Penalties.

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

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

1 (3) A person who violates subsection (a) is subject to
2 6 months of imprisonment, an additional mandatory minimum
3 fine of \$1,000, and 25 days of community service in a
4 program benefiting children if the person was transporting
5 a person under the age of 16 at the time of the violation.

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

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

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

26 (1) Every person convicted of committing a violation of

1 this Section shall be guilty of aggravated driving under
2 the influence of alcohol, other drug or drugs, or
3 intoxicating compound or compounds, or any combination
4 thereof if:

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

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

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

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

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

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

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

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

1 or a monitoring device driving permit;

2 (I) the person committed the violation while he or
3 she knew or should have known that the vehicle he or
4 she was driving was not covered by a liability
5 insurance policy;

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

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

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

18 (2) (A) Except as provided otherwise, a person
19 convicted of aggravated driving under the influence of
20 alcohol, other drug or drugs, or intoxicating compound or
21 compounds, or any combination thereof is guilty of a Class
22 4 felony.

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

1 based on the definition of blood, breath, other bodily
2 substance, or urine units in Section 11-501.2, a mandatory
3 minimum of 90 days of imprisonment and a mandatory minimum
4 fine of \$2,500 shall be imposed in addition to any other
5 criminal or administrative sanction. If at the time of the
6 third violation, the defendant was transporting a person
7 under the age of 16, a mandatory fine of \$25,000 and 25
8 days of community service in a program benefiting children
9 shall be imposed in addition to any other criminal or
10 administrative sanction.

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

25 (D) A fifth violation of this Section or a similar
26 provision is a Class 1 felony, for which a sentence of

1 probation or conditional discharge may not be imposed. If
2 at the time of the violation, the alcohol concentration in
3 the defendant's blood, breath, other bodily substance, or
4 urine was 0.16 or more based on the definition of blood,
5 breath, other bodily substance, or urine units in Section
6 11-501.2, a mandatory minimum fine of \$5,000 shall be
7 imposed in addition to any other criminal or administrative
8 sanction. If at the time of the fifth violation, the
9 defendant was transporting a person under the age of 16, a
10 mandatory fine of \$25,000, and 25 days of community service
11 in a program benefiting children shall be imposed in
12 addition to any other criminal or administrative sanction.

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

26 (F) For a violation of subparagraph (C) of paragraph

1 (1) of this subsection (d), the defendant, if sentenced to
2 a term of imprisonment, shall be sentenced to not less than
3 one year nor more than 12 years.

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

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

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

1 benefiting children shall be imposed in addition to any
2 other criminal or administrative sanction.

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

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

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

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

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

25 (h) For any prosecution under this Section, a certified
26 copy of the driving abstract of the defendant shall be admitted

1 as proof of any prior conviction.

2 (Source: P.A. 97-1150, eff. 1-25-13; 98-122, eff. 1-1-14;
3 98-573, eff. 8-27-13; 98-756, eff. 7-16-14.)

4 (625 ILCS 5/11-501.1)

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

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

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

24 (a-5) (Blank).

25 (b) Any person who is dead, unconscious, or who is
26 otherwise in a condition rendering the person incapable of

1 refusal, shall be deemed not to have withdrawn the consent
2 provided by paragraph (a) of this Section and the test or tests
3 may be administered, subject to the provisions of Section
4 11-501.2.

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

1 with a tetrahydrocannabinol concentration as defined in
2 paragraph 6 of subsection (a) of Section 11-501.2 of this Code,
3 or any amount of a drug, substance, or compound resulting from
4 the unlawful use or consumption of ~~cannabis as covered by the~~
5 ~~Cannabis Control Act,~~ a controlled substance listed in the
6 Illinois Controlled Substances Act, an intoxicating compound
7 listed in the Use of Intoxicating Compounds Act, or
8 methamphetamine as listed in the Methamphetamine Control and
9 Community Protection Act is detected in the person's blood,
10 other bodily substance, or urine, a statutory summary
11 suspension of the person's privilege to operate a motor
12 vehicle, as provided in Sections 6-208.1 and 11-501.1 of this
13 Code, will be imposed. If the person is also a CDL holder he or
14 she shall be warned by the law enforcement officer that if the
15 person submits to the test or tests provided in paragraph (a)
16 of this Section and the alcohol concentration in the person's
17 blood, other bodily substance, or breath is 0.08 or greater, or
18 any amount of a drug, substance, or compound resulting from the
19 unlawful use or consumption of cannabis as covered by the
20 Cannabis Control Act, a controlled substance listed in the
21 Illinois Controlled Substances Act, an intoxicating compound
22 listed in the Use of Intoxicating Compounds Act, or
23 methamphetamine as listed in the Methamphetamine Control and
24 Community Protection Act is detected in the person's blood,
25 other bodily substance, or urine ~~and~~ a disqualification of the
26 person's privilege to operate a commercial motor vehicle, as

1 provided in Section 6-514 of this Code, ~~if the person is a CDI~~
2 ~~holder,~~ will be imposed.

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

22 (d) If the person refuses testing or submits to a test that
23 discloses an alcohol concentration of 0.08 or more, or testing
24 discloses the presence of cannabis as listed in the Cannabis
25 Control Act with a tetrahydrocannabinol concentration as
26 defined in paragraph 6 of subsection (a) of Section 11-501.2 of

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

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

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

1 and 6-514, respectively, and effective as provided in paragraph
2 (g).

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

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

25 (1) In cases involving a person who is not a CDL holder
26 where the blood alcohol concentration of 0.08 or greater or

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

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

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

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

21 (2) (Blank).

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

26 (h) The following procedure shall apply whenever a person

1 is arrested for any offense as defined in Section 11-501 or a
2 similar provision of a local ordinance:

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

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

23 (Source: P.A. 97-333, eff. 8-12-11; 97-471, eff. 8-22-11;
24 97-1150, eff. 1-25-13; 98-122, eff. 1-1-14; 98-1172, eff.
25 1-12-15.)

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

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

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

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

1 Department of State Police shall prescribe regulations as
2 necessary to implement this Section.

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

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

1 3. The person tested may have a physician, or a
2 qualified technician, chemist, registered nurse, or other
3 qualified person of their own choosing administer a
4 chemical test or tests in addition to any administered at
5 the direction of a law enforcement officer. The failure or
6 inability to obtain an additional test by a person shall
7 not preclude the admission of evidence relating to the test
8 or tests taken at the direction of a law enforcement
9 officer.

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

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

18 6. Tetrahydrocannabinol concentration means either 15
19 nanograms or more of delta-9-tetrahydrocannabinol per
20 milliliter of whole blood or 25 nanograms or more of
21 delta-9-tetrahydrocannabinol per milliliter of other
22 bodily substance.

23 (a-5) Law enforcement officials may use standardized field
24 sobriety tests approved by the National Highway Traffic Safety
25 Administration when conducting investigations of a violation
26 of Section 11-501 or similar local ordinance by drivers

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

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

25 2. Upon the request of the person who shall submit to a
26 standardized field sobriety test or tests at the request of

1 a law enforcement officer, full information concerning the
2 test or tests shall be made available to the person or the
3 person's attorney.

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

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

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

24 2. If there was at that time an alcohol concentration
25 in excess of 0.05 but less than 0.08, such facts shall not
26 give rise to any presumption that the person was or was not

1 under the influence of alcohol, but such fact may be
2 considered with other competent evidence in determining
3 whether the person was under the influence of alcohol.

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

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

11 (b-5) 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, other drug or
15 drugs, intoxicating compound or compounds or any combination
16 thereof, the concentration of cannabis in the person's whole
17 blood or other bodily substance at the time alleged as shown by
18 analysis of the person's blood or other bodily substance shall
19 give rise to the following presumptions:

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

25 2. If there was at that time a tetrahydrocannabinol
26 concentration of less than 15 nanograms in whole blood or

1 less than 25 nanograms in an other bodily substance, such
2 facts shall not give rise to any presumption that the
3 person was or was not under the influence of cannabis, but
4 such fact may be considered with other competent evidence
5 in determining whether the person was under the influence
6 of cannabis.

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

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

1 presence of any other drug or combination of both.

2 This provision does not affect the applicability of or
3 imposition of driver's license sanctions under Section
4 11-501.1 of this Code.

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

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

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

1 with ISO/IEC 17025:2005.

2 (Source: P.A. 97-450, eff. 8-19-11; 97-471, eff. 8-22-11;
3 97-813, eff. 7-13-12; 98-122, eff. 1-1-14; 98-973, eff.
4 8-15-14; 98-1172, eff. 1-12-15.)

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

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

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

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 medical treatment
25 and not at the request of law enforcement authorities;

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; and

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

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

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

19 (625 ILCS 5/11-501.4-1)

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

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

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

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

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

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

2 Sec. 11-501.6. Driver involvement in personal injury or
3 fatal motor vehicle accident; chemical test.

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

26 (b) Any person who is dead, unconscious or who is otherwise

1 in a condition rendering such person incapable of refusal shall
2 be deemed not to have withdrawn the consent provided by
3 subsection (a) of this Section. In addition, if a driver of a
4 vehicle is receiving medical treatment as a result of a motor
5 vehicle accident, any physician licensed to practice medicine,
6 licensed physician assistant, licensed advanced practice
7 nurse, registered nurse or a phlebotomist acting under the
8 direction of a licensed physician shall withdraw blood for
9 testing purposes to ascertain the presence of alcohol, other
10 drug or drugs, or intoxicating compound or compounds, upon the
11 specific request of a law enforcement officer. However, no such
12 testing shall be performed until, in the opinion of the medical
13 personnel on scene, the withdrawal can be made without
14 interfering with or endangering the well-being of the patient.

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

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

23 (d) If the person refuses testing or submits to a test
24 which discloses an alcohol concentration of 0.08 or more, the
25 presence of cannabis as listed in the Cannabis Control Act with
26 a tetrahydrocannabinol concentration as defined in paragraph 6

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

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

23 Upon receipt of the sworn report of a law enforcement
24 officer, the Secretary shall enter the suspension and
25 disqualification to the individual's driving record and the
26 suspension and disqualification shall be effective on the 46th

1 day following the date notice of the suspension was given to
2 the person.

3 The law enforcement officer submitting the sworn report
4 shall serve immediate notice of this suspension on the person
5 and such suspension and disqualification shall be effective on
6 the 46th day following the date notice was given.

7 In cases involving a person who is not a CDL holder where
8 the blood alcohol concentration of 0.08 or more, or blood
9 testing discloses the presence of cannabis as listed in the
10 Cannabis Control Act with a tetrahydrocannabinol concentration
11 as defined in paragraph 6 of subsection (a) of Section 11-501.2
12 of this Code, or any amount of a drug, substance, or
13 intoxicating compound resulting from the unlawful use or
14 consumption of ~~cannabis as listed in the Cannabis Control Act,~~
15 a 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, is
19 established by a subsequent analysis of blood, other bodily
20 substance, or urine collected at the time of arrest, the
21 arresting officer shall give notice as provided in this Section
22 or by deposit in the United States mail of such notice in an
23 envelope with postage prepaid and addressed to such person at
24 his or her address as shown on the Uniform Traffic Ticket and
25 the suspension ~~and disqualification~~ shall be effective on the
26 46th day following the date notice was given.

1 In cases involving a person who is a CDL holder where the
2 blood alcohol concentration of 0.08 or more, or any amount of a
3 drug, substance, or intoxicating compound resulting from the
4 unlawful use or consumption of cannabis as listed in the
5 Cannabis Control Act, a controlled substance listed in the
6 Illinois Controlled Substances Act, an intoxicating compound
7 listed in the Use of Intoxicating Compounds Act, or
8 methamphetamine as listed in the Methamphetamine Control and
9 Community Protection Act, is established by a subsequent
10 analysis of blood, other bodily substance, or urine collected
11 at the time of arrest, the arresting officer shall give notice
12 as provided in this Section or by deposit in the United States
13 mail of such notice in an envelope with postage prepaid and
14 addressed to the person at his or her address as shown on the
15 Uniform Traffic Ticket and the suspension and disqualification
16 shall be effective on the 46th day following the date notice
17 was given.

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

1 enforcement agency.

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

21 (f) (Blank).

22 (g) For the purposes of this Section, a personal injury
23 shall include any type A injury as indicated on the traffic
24 accident report completed by a law enforcement officer that
25 requires immediate professional attention in either a doctor's
26 office or a medical facility. A type A injury shall include

1 severely bleeding wounds, distorted extremities, and injuries
2 that require the injured party to be carried from the scene.

3 (Source: P.A. 96-1344, eff. 7-1-11; 97-450, eff. 8-19-11;
4 97-835, eff. 7-20-12.)

5 (625 ILCS 5/11-501.8)

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

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

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

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

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

1 for the purpose of determining the alcohol content therein.
2 This limitation does not apply to the taking of breath,
3 other bodily substance, or urine specimens.

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

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

17 (v) Alcohol concentration means either grams of
18 alcohol per 100 milliliters of blood or grams of alcohol
19 per 210 liters of breath.

20 (vi) If a driver is receiving medical treatment as a
21 result of a motor vehicle accident, a physician licensed to
22 practice medicine, licensed physician assistant, licensed
23 advanced practice nurse, registered nurse, or other
24 qualified person trained in venipuncture and acting under
25 the direction of a licensed physician shall withdraw blood
26 for testing purposes to ascertain the presence of alcohol

1 upon the specific request of a law enforcement officer.
2 However, that testing shall not be performed until, in the
3 opinion of the medical personnel on scene, the withdrawal
4 can be made without interfering with or endangering the
5 well-being of the patient.

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

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

1 0.00 and less than 0.08.

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

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

26 In cases where the blood alcohol concentration of more than

1 0.00 is established by a subsequent analysis of blood, other
2 bodily substance, or urine, the police officer or arresting
3 agency shall give notice as provided in this Section or by
4 deposit in the United States mail of that notice in an envelope
5 with postage prepaid and addressed to that person at his last
6 known address and the loss of driving privileges shall be
7 effective on the 46th day following the date notice was given.

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

18 (e) A driver may contest this suspension and
19 disqualification by requesting an administrative hearing with
20 the 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 motor vehicle upon the public highways of the
9 State and the police officer had reason to believe that the
10 person was in violation of any provision of the Illinois
11 Vehicle Code or a similar provision of a local ordinance;
12 and

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

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

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

1 (5) whether the person, after being advised by the
2 officer that the privileges to operate a motor vehicle
3 would be suspended if the person submits to a chemical test
4 or tests and the test or tests disclose an alcohol
5 concentration of more than 0.00, did submit to and complete
6 the test or tests that determined an alcohol concentration
7 of more than 0.00; and

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

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

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

1 Section shall apply. The Secretary of State shall promulgate
2 rules providing for participation in an alcohol education and
3 awareness program or activity, a drug education and awareness
4 program or activity, or both as a condition to the issuance of
5 a restricted driving permit for suspensions imposed under this
6 Section.

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 are under age
19 21 at the time of the issuance of a Uniform Traffic Ticket for
20 a violation of the Illinois Vehicle Code or a similar provision
21 of a local ordinance, and a chemical test request is made under
22 this Section.

23 (h) The action of the Secretary of State in suspending,
24 revoking, cancelling, or disqualifying any license or permit
25 shall be subject to judicial review in the Circuit Court of
26 Sangamon County or in the Circuit Court of Cook County, and the

1 provisions of the Administrative Review Law and its rules are
2 hereby adopted and shall apply to and govern every action for
3 the judicial review of final acts or decisions of the Secretary
4 of State under this Section.

5 (Source: P.A. 96-1080, eff. 7-16-10; 96-1344, eff. 7-1-11;
6 97-333, eff. 8-12-11; 97-450, eff. 8-19-11.)

7 (625 ILCS 5/11-507)

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

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

16 (1) the alcohol concentration in the person's blood, or
17 other bodily substance, or breath is 0.08 or more based on
18 the definition of blood and breath units in Section
19 11-501.2 of this Code;

20 (2) under the influence of alcohol;

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

25 (4) under the influence of any other drug or

1 combination of drugs to a degree that renders the person
2 incapable of properly supervising or providing instruction
3 to the minor driver;

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

8 (5.3) the person who is not a CDL holder has, within 2
9 hours of accompanying or providing instruction, a
10 tetrahydrocannabinol concentration in the person's whole
11 blood or other bodily substance as defined in paragraph 6
12 of subsection (a) of Section 11-501.2 of this Code;

13 (5.5) the person who is a CDL holder has any amount of
14 a drug, substance, or compound in the person's breath,
15 blood, other bodily substance, or urine resulting from the
16 unlawful use or consumption of cannabis listed in the
17 Cannabis Control Act; or

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

1 (b) A person found guilty of violating this Section is
2 guilty of an offense against the regulations governing the
3 movement of vehicles.

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

5 Section 25. The Snowmobile Registration and Safety Act is
6 amended by changing Sections 5-7, 5-7.1, 5-7.2, 5-7.4, and
7 5-7.6 as follows:

8 (625 ILCS 40/5-7)

9 Sec. 5-7. Operating a snowmobile while under the influence
10 of alcohol or other drug or drugs, intoxicating compound or
11 compounds, or a combination of them; criminal penalties;
12 suspension of operating privileges.

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

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

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

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

24 3.1. The person is under the influence of any

1 intoxicating compound or combination of intoxicating
2 compounds to a degree that renders the person incapable of
3 safely operating a snowmobile;

4 4. The person is under the combined influence of
5 alcohol and any other drug or drugs or intoxicating
6 compound or compounds to a degree that renders that person
7 incapable of safely operating a snowmobile; ~~or~~

8 (4.3) The person who is not a CDL holder has a
9 tetrahydrocannabinol concentration in the person's whole
10 blood or other bodily substance at which driving a motor
11 vehicle is prohibited under subdivision (7) of subsection
12 (a) of Section 11-501 of the Illinois Vehicle Code;

13 (4.5) The person who is a CDL holder has any amount of
14 a drug, substance, or compound in the person's breath,
15 blood, other bodily substance, or urine resulting from the
16 unlawful use or consumption of cannabis listed in the
17 Cannabis Control Act; or

18 5. There is any amount of a drug, substance, or
19 compound in that person's breath, blood, other bodily
20 substance, or urine resulting from the unlawful use or
21 consumption of a ~~cannabis listed in the Cannabis Control~~
22 ~~Act,~~ controlled substance listed in the Illinois
23 Controlled Substances Act, methamphetamine as listed in
24 the Methamphetamine Control and Community Protection Act,
25 or intoxicating compound listed in the use of Intoxicating
26 Compounds Act.

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

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

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

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

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

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

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

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

24 2. The offense results in personal injury where a
25 person other than the operator suffers great bodily harm or
26 permanent disability or disfigurement, when the violation

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

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

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

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

25 (e-2) Every person found guilty of violating this Section,
26 whose operation of a snowmobile while in violation of this

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

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

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

25 (g) In addition to any criminal penalties imposed, the
26 Department of Natural Resources shall suspend for a period of 5

1 years the snowmobile operation privileges of any person
2 convicted or found guilty of a felony under this Section.

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

4 (625 ILCS 40/5-7.1)

5 Sec. 5-7.1. Implied consent.

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

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

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

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

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

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

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

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

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

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

18 If the person desires a hearing, the person shall file a
19 complaint in the circuit court in the county where that person
20 was arrested within 28 days from the date of the notice. The
21 hearing shall proceed in the court in the same manner as other
22 civil proceedings. The hearing shall cover only the following
23 issues: (1) whether the person was placed under arrest for an
24 offense as defined in Section 5-7 or a similar provision of a
25 local ordinance as evidenced by the issuance of a uniform
26 citation; (2) whether the arresting officer had reasonable

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

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

17 (f) (Blank).

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

1 Compounds Act, the law enforcement officer shall immediately
2 submit a sworn report to the circuit clerk of venue and the
3 Department of Natural Resources, certifying that the test or
4 tests was or were requested under subsection (a-1) of this
5 Section and the person submitted to testing that disclosed an
6 alcohol concentration of 0.08 or more, or any amount of a drug,
7 substance, or intoxicating compound in the person's breath,
8 blood, other bodily substance, or urine resulting from the
9 unlawful use or consumption of cannabis listed in the Cannabis
10 Control Act, a controlled substance listed in the Illinois
11 Controlled Substances Act, methamphetamine as listed in the
12 Methamphetamine Control and Community Protection Act, or an
13 intoxicating compound listed in the Use of Intoxicating
14 Compounds Act. If the person is not a CDL holder and submits to
15 a test that discloses an alcohol concentration of 0.08 or more,
16 a tetrahydrocannabinol concentration in the person's whole
17 blood or other bodily substance as defined in paragraph 6 of
18 subsection (a) of Section 11-501.2 of the Illinois Vehicle
19 Code, or any amount of a drug, substance, or intoxicating
20 compound in the person's blood, other bodily substance, or
21 urine resulting from the unlawful use or consumption of a
22 controlled substance listed in the Illinois Controlled
23 Substances Act, an intoxicating compound listed in the Use of
24 Intoxicating Compounds Act, or methamphetamine as listed in the
25 Methamphetamine Control and Community Protection Act, the law
26 enforcement officer shall immediately submit a sworn report to

1 the circuit clerk of venue and the Department of Natural
2 Resources, certifying that the test or tests was or were
3 requested under subsection (a-1) and the person submitted to
4 testing that disclosed an alcohol concentration of 0.08 or
5 more, a tetrahydrocannabinol concentration in the person's
6 whole blood or other bodily substance as defined in paragraph 6
7 of subsection (a) of Section 11-501.2 of the Illinois Vehicle
8 Code, or any amount of a drug, substance, or intoxicating
9 compound in such person's blood, other bodily substance, or
10 urine, resulting from the unlawful use or consumption of a
11 controlled substance listed in the Illinois Controlled
12 Substances Act, an intoxicating compound listed in the Use of
13 Intoxicating Compounds Act, or methamphetamine as listed in the
14 Methamphetamine Control and Community Protection Act.

15 In cases involving a person who is CDL holder where the
16 blood alcohol concentration of 0.08 or greater or any amount of
17 drug, substance, or compound resulting from the unlawful use of
18 cannabis, a controlled substance, methamphetamine, or an
19 intoxicating compound is established by a subsequent analysis
20 of blood, other bodily substance, or urine collected at the
21 time of arrest, the arresting officer or arresting agency shall
22 immediately submit a sworn report to the circuit clerk of venue
23 and the Department of Natural Resources upon receipt of the
24 test results. In cases involving a person who is not a CDL
25 holder where the blood alcohol concentration of 0.08 or
26 greater, a tetrahydrocannabinol concentration in the person's

1 whole blood or other bodily substance as defined in paragraph 6
2 of subsection (a) of Section 11-501.2 of the Illinois Vehicle
3 Code, or any amount of drug, substance, or compound resulting
4 from the unlawful use of a controlled substance,
5 methamphetamine, or an intoxicating compound is established by
6 a subsequent analysis of blood, other bodily substance, or
7 urine collected at the time of arrest, the arresting officer or
8 arresting agency shall immediately submit a sworn report to the
9 circuit clerk of venue and the Department of Natural Resources
10 upon receipt of the test results.

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

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

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

18 (625 ILCS 40/5-7.2)

19 Sec. 5-7.2. Chemical and other tests.

20 (a) Upon the trial of a civil or criminal action or
21 proceeding arising out of acts alleged to have been committed
22 while under the influence of alcohol, other drug or drugs,
23 intoxicating compound or compounds, or a combination of them,
24 the concentration of alcohol, drug, or compound in the person's
25 blood, other bodily substance, or breath at the time alleged as

1 shown by analysis of the person's blood, urine, breath, or
2 other bodily substance gives rise to the presumptions specified
3 in subdivisions 1, 2, and 3 of subsection (b) and subsection
4 (b-5) of Section 11-501.2 of the Illinois Vehicle Code.

5 (b) The provisions of subsection (a) shall not be construed
6 as limiting the introduction of any other relevant evidence
7 bearing upon the question whether the person was under the
8 influence of alcohol, other drug or drugs, intoxicating
9 compound or compounds, or a combination of them.

10 (c) If a person under arrest refuses to submit to a
11 chemical test under the provisions of Section 5-7.1, evidence
12 of refusal is admissible in a 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, an intoxicating compound or compounds, or a combination
16 of them was operating a snowmobile.

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

18 (625 ILCS 40/5-7.4)

19 Sec. 5-7.4. Admissibility of chemical tests 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, are admissible in
4 evidence as a business record exception to the hearsay rule
5 only in prosecutions for a violation of Section 5-7 of this Act
6 or a similar provision of a local ordinance or in prosecutions
7 for reckless homicide brought under the Criminal Code of 1961
8 or the Criminal Code of 2012.

9 The results of the tests are admissible only when each of
10 the following criteria are met:

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

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

18 3. (Blank).

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

22 (b) The confidentiality provisions of law pertaining to
23 medical records and medical treatment are not applicable with
24 regard to chemical tests performed upon a person's blood, other
25 bodily substance, or urine under the provisions of this Section
26 in prosecutions as specified in subsection (a) of this Section.

1 No person shall be liable for civil damages as a result of the
2 evidentiary use of the results of chemical testing of the
3 individual's blood, other bodily substance, or urine under this
4 Section or as a result of that person's testimony made
5 available under this Section.

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

7 (625 ILCS 40/5-7.6)

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

11 (a) Notwithstanding any other provision of law, the results
12 of blood, other bodily substance, or urine tests performed for
13 the purpose of determining the content of alcohol, other drug
14 or drugs, intoxicating compound or compounds, or any
15 combination of them in an individual's blood, other bodily
16 substance, or urine, conducted upon persons receiving medical
17 treatment in a hospital emergency room for injuries resulting
18 from a snowmobile accident, shall be disclosed to the
19 Department of Natural Resources, or local law enforcement
20 agencies of jurisdiction, upon request. The blood, other bodily
21 substance, or urine tests are admissible in evidence as a
22 business record exception to the hearsay rule only in
23 prosecutions for violations of Section 5-7 of this Code or a
24 similar provision of a local ordinance, or in prosecutions for
25 reckless homicide brought under the Criminal Code of 1961 or

1 the Criminal Code of 2012.

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

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

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

17 (625 ILCS 45/5-16)

18 Sec. 5-16. Operating a watercraft under the influence of
19 alcohol, other drug or drugs, intoxicating compound or
20 compounds, or combination thereof.

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

23 (a) The alcohol concentration in such person's
24 blood, other bodily substance, or breath is a

1 concentration at which driving a motor vehicle is
2 prohibited under subdivision (1) of subsection (a) of
3 Section 11-501 of the Illinois Vehicle Code;

4 (b) Under the influence of alcohol;

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

8 (c-1) Under the influence of any intoxicating
9 compound or combination of intoxicating compounds to a
10 degree that renders the person incapable of safely
11 operating any watercraft;

12 (d) Under the combined influence of alcohol and any
13 other drug or drugs to a degree which renders such
14 person incapable of safely operating a watercraft; ~~or~~

15 (d-3) The person who is not a CDL holder has a
16 tetrahydrocannabinol concentration in the person's whole
17 blood or other bodily substance at which driving a motor
18 vehicle is prohibited under subdivision (7) of subsection
19 (a) of Section 11-501 of the Illinois Vehicle Code;

20 (d-5) The person who is a CDL holder has any amount of
21 a drug, substance, or compound in the person's breath,
22 blood, other bodily substance, or urine resulting from the
23 unlawful use or consumption of cannabis listed in the
24 Cannabis Control Act; or

25 (e) There is any amount of a drug, substance, or
26 compound in the person's blood, other bodily

1 substance, or urine resulting from the unlawful use or
2 consumption of ~~cannabis listed in the Cannabis Control~~
3 ~~Act,~~ a controlled substance listed in the Illinois
4 Controlled Substances Act, methamphetamine as listed
5 in the Methamphetamine Control and Community
6 Protection Act, or an intoxicating compound listed in
7 the Use of Intoxicating Compounds Act.

8 2. The fact that any person charged with violating this
9 Section is or has been legally entitled to use alcohol,
10 other drug or drugs, any intoxicating compound or
11 compounds, or any combination of them, shall not constitute
12 a defense against any charge of violating this Section.

13 3. Every person convicted of violating this Section
14 shall be guilty of a Class A misdemeanor, except as
15 otherwise provided in this Section.

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

18 (a) He or she has a previous conviction under this
19 Section;

20 (b) The offense results in personal injury where a
21 person other than the operator suffers great bodily
22 harm or permanent disability or disfigurement, when
23 the violation was a proximate cause of the injuries. A
24 person guilty of a Class 4 felony under this
25 subparagraph (b), if sentenced to a term of
26 imprisonment, shall be sentenced to a term of not less

1 than one year nor more than 12 years; or

2 (c) The offense occurred during a period in which
3 his or her privileges to operate a watercraft are
4 revoked or suspended, and the revocation or suspension
5 was for a violation of this Section or was imposed
6 under subsection (B).

7 5. Every person convicted of violating this Section
8 shall be guilty of a Class 2 felony if the offense results
9 in the death of a person. A person guilty of a Class 2
10 felony under this paragraph 5, if sentenced to a term of
11 imprisonment, shall be sentenced to a term of not less than
12 3 years and not more than 14 years.

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

22 5.2. A person found guilty of violating this Section,
23 if his or her operation of a watercraft while in violation
24 of this Section proximately caused any incident resulting
25 in an appropriate emergency response, is liable for the
26 expense of an emergency response as provided in subsection

1 (m) of Section 11-501 of the Illinois Vehicle Code.

2 5.3. In addition to any other penalties and
3 liabilities, a person who is found guilty of violating this
4 Section, including any person placed on court supervision,
5 shall be fined \$100, payable to the circuit clerk, who
6 shall distribute the money to the law enforcement agency
7 that made the arrest. In the event that more than one
8 agency is responsible for the arrest, the \$100 shall be
9 shared equally. Any moneys received by a law enforcement
10 agency under this paragraph 5.3 shall be used to purchase
11 law enforcement equipment or to provide law enforcement
12 training that will assist in the prevention of alcohol
13 related criminal violence throughout the State. Law
14 enforcement equipment shall include, but is not limited to,
15 in-car video cameras, radar and laser speed detection
16 devices, and alcohol breath testers.

17 6. (a) In addition to any criminal penalties imposed,
18 the Department of Natural Resources shall suspend the
19 watercraft operation privileges of any person
20 convicted or found guilty of a misdemeanor under this
21 Section, a similar provision of a local ordinance, or
22 Title 46 of the U.S. Code of Federal Regulations for a
23 period of one year, except that a first time offender
24 is exempt from this mandatory one year suspension.

25 As used in this subdivision (A)6(a), "first time
26 offender" means any person who has not had a previous

1 conviction or been assigned supervision for violating
2 this Section, a similar provision of a local ordinance
3 or, Title 46 of the U.S. Code of Federal Regulations,
4 or any person who has not had a suspension imposed
5 under subdivision (B)3.1 of Section 5-16.

6 (b) In addition to any criminal penalties imposed,
7 the Department of Natural Resources shall suspend the
8 watercraft operation privileges of any person
9 convicted of a felony under this Section, a similar
10 provision of a local ordinance, or Title 46 of the U.S.
11 Code of Federal Regulations for a period of 3 years.

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

1 1.1. For the purposes of this Section, an Illinois Law
2 Enforcement officer of this State who is investigating the
3 person for any offense defined in Section 5-16 may travel
4 into an adjoining state, where the person has been
5 transported for medical care to complete an investigation,
6 and may request that the person submit to the test or tests
7 set forth in this Section. The requirements of this Section
8 that the person be arrested are inapplicable, but the
9 officer shall issue the person a uniform citation for an
10 offense as defined in Section 5-16 or a similar provision
11 of a local ordinance prior to requesting that the person
12 submit to the test or tests. The issuance of the uniform
13 citation shall not constitute an arrest, but shall be for
14 the purpose of notifying the person that he or she is
15 subject to the provisions of this Section and of the
16 officer's belief in the existence of probable cause to
17 arrest. Upon returning to this State, the officer shall
18 file the uniform citation with the circuit clerk of the
19 county where the offense was committed and shall seek the
20 issuance of an arrest warrant or a summons for the person.

21 1.2. Notwithstanding any ability to refuse under this
22 Act to submit to these tests or any ability to revoke the
23 implied consent to these tests, if a law enforcement
24 officer has probable cause to believe that a watercraft
25 operated by or under actual physical control of a person
26 under the influence of alcohol, other drug or drugs,

1 intoxicating compound or compounds, or any combination of
2 them has caused the death of or personal injury to another,
3 that person shall submit, upon the request of a law
4 enforcement officer, to a chemical test or tests of his or
5 her blood, breath, other bodily substance, or urine for the
6 purpose of determining the alcohol content or the presence
7 of any other drug, intoxicating compound, or combination of
8 them. For the purposes of this Section, a personal injury
9 includes severe bleeding wounds, distorted extremities,
10 and injuries that require the injured party to be carried
11 from the scene for immediate professional attention in
12 either a doctor's office or a medical facility.

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

17 3. A person requested to submit to a chemical test as
18 provided above shall be verbally advised by the law
19 enforcement officer requesting the test that a refusal to
20 submit to the test will result in suspension of such
21 person's privilege to operate a watercraft for a minimum of
22 2 years. Following this warning, if a person under arrest
23 refuses upon the request of a law enforcement officer to
24 submit to a test designated by the officer, no test shall
25 be given, but the law enforcement officer shall file with
26 the clerk of the circuit court for the county in which the

1 arrest was made, and with the Department of Natural
2 Resources, a sworn statement naming the person refusing to
3 take and complete the chemical test or tests requested
4 under the provisions of this Section. Such sworn statement
5 shall identify the arrested person, such person's current
6 residence address and shall specify that a refusal by such
7 person to take the chemical test or tests was made. Such
8 sworn statement shall include a statement that the
9 arresting officer had reasonable cause to believe the
10 person was operating or was in actual physical control of
11 the watercraft within this State while under the influence
12 of alcohol, other drug or drugs, intoxicating compound or
13 compounds, or combination thereof and that such chemical
14 test or tests were made as an incident to and following the
15 lawful arrest for an offense as defined in this Section or
16 a similar provision of a local ordinance, and that the
17 person after being arrested for an offense arising out of
18 acts alleged to have been committed while so operating a
19 watercraft refused to submit to and complete a chemical
20 test or tests as requested by the law enforcement officer.

21 3.1. The law enforcement officer submitting the sworn
22 statement as provided in paragraph 3 of this subsection (B)
23 shall serve immediate written notice upon the person
24 refusing the chemical test or tests that the person's
25 privilege to operate a watercraft within this State will be
26 suspended for a period of 2 years unless, within 28 days

1 from the date of the notice, the person requests in writing
2 a hearing on the suspension.

3 If the person desires a hearing, such person shall file
4 a complaint in the circuit court for and in the county in
5 which such person was arrested for such hearing. Such
6 hearing shall proceed in the court in the same manner as
7 other civil proceedings, shall cover only the issues of
8 whether the person was placed under arrest for an offense
9 as defined in this Section or a similar provision of a
10 local ordinance as evidenced by the issuance of a uniform
11 citation; whether the arresting officer had reasonable
12 grounds to believe that such person was operating a
13 watercraft while under the influence of alcohol, other drug
14 or drugs, intoxicating compound or compounds, or
15 combination thereof; and whether such person refused to
16 submit and complete the chemical test or tests upon the
17 request of the law enforcement officer. Whether the person
18 was informed that such person's privilege to operate a
19 watercraft would be suspended if such person refused to
20 submit to the chemical test or tests shall not be an issue.

21 If the person fails to request in writing a hearing
22 within 28 days from the date of notice, or if a hearing is
23 held and the court finds against the person on the issues
24 before the court, the clerk shall immediately notify the
25 Department of Natural Resources, and the Department shall
26 suspend the watercraft operation privileges of the person

1 for at least 2 years.

2 3.2. If the person is a CDL holder and submits to a
3 test that discloses an alcohol concentration of 0.08 or
4 more, or any amount of a drug, substance or intoxicating
5 compound in the person's breath, blood, other bodily
6 substance, or urine resulting from the unlawful use of
7 cannabis listed in the Cannabis Control Act, a controlled
8 substance listed in the Illinois Controlled Substances
9 Act, methamphetamine as listed in the Methamphetamine
10 Control and Community Protection Act, or an intoxicating
11 compound listed in the Use of Intoxicating Compounds Act,
12 the law enforcement officer shall immediately submit a
13 sworn report to the circuit clerk of venue and the
14 Department of Natural Resources, certifying that the test
15 or tests were requested under paragraph 1 of this
16 subsection (B) and the person submitted to testing that
17 disclosed an alcohol concentration of 0.08 or more or any
18 amount of a drug, substance or intoxicating compound in the
19 person's breath, blood, other bodily substance, or urine
20 resulting from the unlawful use of cannabis listed in the
21 Cannabis Control Act, a controlled substance listed in the
22 Illinois Controlled Substances Act, methamphetamine as
23 listed in the Methamphetamine Control and Community
24 Protection Act, or an intoxicating compound listed in the
25 Use of Intoxicating Compounds Act. If the person is not a
26 CDL holder and submits to a test that discloses an alcohol

1 concentration of 0.08 or more, a tetrahydrocannabinol
2 concentration in the person's whole blood or other bodily
3 substance as defined in paragraph 6 of subsection (a) of
4 Section 11-501.2 of the Illinois Vehicle Code, or any
5 amount of a drug, substance or intoxicating compound in the
6 person's breath, blood, other bodily substance, or urine
7 resulting from the unlawful use of a controlled substance
8 listed in the Illinois Controlled Substances Act,
9 methamphetamine as listed in the Methamphetamine Control
10 and Community Protection Act, or an intoxicating compound
11 listed in the Use of Intoxicating Compounds Act, the law
12 enforcement officer shall immediately submit a sworn
13 report to the circuit clerk of venue and the Department of
14 Natural Resources, certifying that the test or tests were
15 requested under paragraph 1 of this subsection (B) and the
16 person submitted to testing that disclosed an alcohol
17 concentration of 0.08 or more, a tetrahydrocannabinol
18 concentration in the person's whole blood or other bodily
19 substance as defined in paragraph 6 of subsection (a) of
20 Section 11-501.2 of the Illinois Vehicle Code, or any
21 amount of a drug, substance or intoxicating compound in the
22 person's breath, blood, other bodily substance, or urine
23 resulting from the unlawful use of a controlled substance
24 listed in the Illinois Controlled Substances Act,
25 methamphetamine as listed in the Methamphetamine Control
26 and Community Protection Act, or an intoxicating compound

1 listed in the Use of Intoxicating Compounds Act.

2 In cases involving a person who is a CDL holder where
3 the blood alcohol concentration of 0.08 or greater or any
4 amount of drug, substance or compound resulting from the
5 unlawful use of cannabis, a controlled substance ,
6 methamphetamine, or an intoxicating compound is
7 established by a subsequent analysis of blood, other bodily
8 substance, or urine collected at the time of arrest, the
9 arresting officer or arresting agency shall immediately
10 submit a sworn report to the circuit clerk of venue and the
11 Department of Natural Resources upon receipt of the test
12 results. In cases involving a person who is not a CDL
13 holder where the blood alcohol concentration of 0.08 or
14 greater, a tetrahydrocannabinol concentration in the
15 person's whole blood or other bodily substance as defined
16 in paragraph 6 of subsection (a) of Section 11-501.2 of the
17 Illinois Vehicle Code, or or any amount of drug, substance,
18 or compound resulting from the unlawful use of a controlled
19 substance, methamphetamine, or an intoxicating compound is
20 established by a subsequent analysis of blood, other bodily
21 substance, or urine collected at the time of arrest, the
22 arresting officer or arresting agency shall immediately
23 submit a sworn report to the circuit clerk of venue and the
24 Department of Natural Resources upon receipt of the test
25 results.

26 4. A person must submit to each chemical test offered

1 by the law enforcement officer in order to comply with the
2 implied consent provisions of this Section.

3 5. The provisions of Section 11-501.2 of the Illinois
4 Vehicle Code, as amended, concerning the certification and
5 use of chemical tests apply to the use of such tests under
6 this Section.

7 (C) Upon the trial of any civil or criminal action or
8 proceeding arising out of acts alleged to have been committed
9 by any person while operating a watercraft while under the
10 influence of alcohol, other drug or drugs, intoxicating
11 compound or compounds, or combination thereof, the
12 concentration of alcohol, drug, or compound in the person's
13 blood, other bodily substance, or breath at the time alleged as
14 shown by analysis of a person's blood, urine, breath, or other
15 bodily substance shall give rise to the presumptions specified
16 in subdivisions 1, 2, and 3 of subsection (b) and subsection
17 (b-5) of Section 11-501.2 of the Illinois Vehicle Code. The
18 foregoing provisions of this subsection (C) shall not be
19 construed as limiting the introduction of any other relevant
20 evidence bearing upon the question whether the person was under
21 the influence of alcohol, other drug or drugs, intoxicating
22 compound or compounds, or a combination thereof.

23 (D) If a person under arrest refuses to submit to a
24 chemical test under the provisions of this Section, evidence of
25 refusal shall be admissible in any civil or criminal action or
26 proceeding arising out of acts alleged to have been committed

1 while the person under the influence of alcohol, other drug or
2 drugs, intoxicating compound or compounds, or combination of
3 them was operating a watercraft.

4 (E) The owner of any watercraft or any person given
5 supervisory authority over a watercraft, may not knowingly
6 permit a watercraft to be operated by any person under the
7 influence of alcohol, other drug or drugs, intoxicating
8 compound or compounds, or combination thereof.

9 (F) Whenever any person is convicted or found guilty of a
10 violation of this Section, including any person placed on court
11 supervision, the court shall notify the Office of Law
12 Enforcement of the Department of Natural Resources, to provide
13 the Department with the records essential for the performance
14 of the Department's duties to monitor and enforce any order of
15 suspension or revocation concerning the privilege to operate a
16 watercraft.

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

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

22 (625 ILCS 45/5-16a) (from Ch. 95 1/2, par. 315-11a)

23 Sec. 5-16a. 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 written
2 results of blood, other bodily substance, or urine alcohol and
3 drug tests conducted upon persons receiving medical treatment
4 in a hospital emergency room are admissible in evidence as a
5 business record exception to the hearsay rule only in
6 prosecutions for any violation of Section 5-16 of this Act or a
7 similar provision of a local ordinance or in prosecutions for
8 reckless homicide brought under the Criminal Code of 1961 or
9 the Criminal Code of 2012, when:

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

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

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

20 (b) The confidentiality provisions of law pertaining to
21 medical records and medical treatment shall not be applicable
22 with regard to chemical tests performed upon an individual's
23 blood, other bodily substance, or urine under the provisions of
24 this Section in prosecutions as specified in subsection (a) of
25 this Section. No person shall be liable for civil damages as a
26 result of the evidentiary use of the results of chemical

1 testing of an individual's blood, other bodily substance, or
2 urine under this Section or as a result of that person's
3 testimony made available under this Section.

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

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

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

9 (a) Notwithstanding any other provision of law, the results
10 of blood, other bodily substance, or urine tests performed for
11 the purpose of determining the content of alcohol, other drug
12 or drugs, intoxicating compound or compounds, or any
13 combination of them in an individual's blood, other bodily
14 substance, or urine, conducted upon persons receiving medical
15 treatment in a hospital emergency room for injuries resulting
16 from a boating accident, shall be disclosed to the Department
17 of Natural Resources or local law enforcement agencies of
18 jurisdiction, upon request. The blood, other bodily substance,
19 or urine tests are admissible in evidence as a business record
20 exception to the hearsay rule only in prosecutions for
21 violations of Section 5-16 of this Code or a similar provision
22 of a local ordinance, or in prosecutions for reckless homicide
23 brought under the Criminal Code of 1961 or the Criminal Code of
24 2012.

25 (b) The confidentiality provisions of the law pertaining to

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

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

12 (625 ILCS 45/5-16c)

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

15 (a) Any person who operates or is in actual physical
16 control of a motorboat within this State and who has been
17 involved in a personal injury or fatal boating accident shall
18 be deemed to have given consent to a breath test using a
19 portable device as approved by the Department of State Police
20 or to a chemical test or tests of blood, breath, other bodily
21 substance, or urine for the purpose of determining the content
22 of alcohol, other drug or drugs, or intoxicating compound or
23 compounds of the person's blood if arrested as evidenced by the
24 issuance of a uniform citation for a violation of the Boat
25 Registration and Safety Act or a similar provision of a local

1 ordinance, with the exception of equipment violations
2 contained in Article IV of this Act or similar provisions of
3 local ordinances. The test or tests shall be administered at
4 the direction of the arresting officer. The law enforcement
5 agency employing the officer shall designate which of the
6 aforesaid tests shall be administered. Up to 2 additional tests
7 of A urine or other bodily substance test may be administered
8 even after a blood or breath test or both has been
9 administered. Compliance with this Section does not relieve the
10 person from the requirements of any other Section of this Act.

11 (b) Any person who is dead, unconscious, or who is
12 otherwise in a condition rendering that person incapable of
13 refusal shall be deemed not to have withdrawn the consent
14 provided by subsection (a) of this Section. In addition, if an
15 operator of a motorboat is receiving medical treatment as a
16 result of a boating accident, any physician licensed to
17 practice medicine, licensed physician assistant, licensed
18 advanced practice nurse, registered nurse, or a phlebotomist
19 acting under the direction of a licensed physician shall
20 withdraw blood for testing purposes to ascertain the presence
21 of alcohol, other drug or drugs, or intoxicating compound or
22 compounds, upon the specific request of a law enforcement
23 officer. However, this testing shall not be performed until, in
24 the opinion of the medical personnel on scene, the withdrawal
25 can be made without interfering with or endangering the
26 well-being of the patient.

1 (c) A person who is a CDL holder requested to submit to a
2 test under subsection (a) of this Section shall be warned by
3 the law enforcement officer requesting the test that a refusal
4 to submit to the test, or submission to the test resulting in
5 an alcohol concentration of 0.08 or more, or any amount of a
6 drug, substance, or intoxicating compound resulting from the
7 unlawful use or consumption of cannabis listed in the Cannabis
8 Control Act, a controlled substance listed in the Illinois
9 Controlled Substances Act, an intoxicating compound listed in
10 the Use of Intoxicating Compounds Act, or methamphetamine as
11 listed in the Methamphetamine Control and Community Protection
12 Act as detected in the person's blood, other bodily substance,
13 or urine, may result in the suspension of the person's
14 privilege to operate a motor vehicle and may result in the
15 disqualification of the person's privilege to operate a
16 commercial motor vehicle, as provided in Section 6-514 of the
17 Illinois Vehicle Code. A person who is not a CDL holder
18 requested to submit to a test under subsection (a) of this
19 Section shall be warned by the law enforcement officer
20 requesting the test that a refusal to submit to the test, or
21 submission to the test resulting in an alcohol concentration of
22 0.08 or more, a tetrahydrocannabinol concentration in the
23 person's whole blood or other bodily substance as defined in
24 paragraph 6 of subsection (a) of Section 11-501.2 of the
25 Illinois Vehicle Code, or any amount of a drug, substance, or
26 intoxicating compound resulting from the unlawful use or

1 consumption of a controlled substance listed in the Illinois
2 Controlled Substances Act, an intoxicating compound listed in
3 the Use of Intoxicating Compounds Act, or methamphetamine as
4 listed in the Methamphetamine Control and Community Protection
5 Act as detected in the person's blood, other bodily substance,
6 or urine, may result in the suspension of the person's
7 privilege to operate a motor vehicle, ~~if the person is a CDL~~
8 ~~holder~~. The length of the suspension shall be the same as
9 outlined in Section 6-208.1 of the Illinois Vehicle Code
10 regarding statutory summary suspensions.

11 (d) If the person is a CDL holder and refuses testing or
12 submits to a test which discloses an alcohol concentration of
13 0.08 or more, or any amount of a drug, substance, or
14 intoxicating compound in the 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, the law
21 enforcement officer shall immediately submit a sworn report to
22 the Secretary of State on a form prescribed by the Secretary of
23 State, certifying that the test or tests were requested under
24 subsection (a) of this Section and the person refused to submit
25 to a test or tests or submitted to testing which disclosed an
26 alcohol concentration of 0.08 or more, or any amount of a drug,

1 substance, or intoxicating compound in the person's blood,
2 other bodily substance, or urine, resulting from the unlawful
3 use or consumption of cannabis listed in the Cannabis Control
4 Act, a controlled substance listed in the Illinois Controlled
5 Substances Act, an intoxicating compound listed in the Use of
6 Intoxicating Compounds Act, or methamphetamine as listed in the
7 Methamphetamine Control and Community Protection Act. If the
8 person is not a CDL holder refuses testing or submits to a test
9 which discloses an alcohol concentration of 0.08 or more, a
10 tetrahydrocannabinol concentration in the person's whole blood
11 or other bodily substance as defined in paragraph 6 of
12 subsection (a) of Section 11-501.2 of the Illinois Vehicle
13 Code, or any amount of a drug, substance, or intoxicating
14 compound in the person's blood, other bodily substance, or
15 urine resulting from the unlawful use or consumption of a
16 controlled substance listed in the Illinois Controlled
17 Substances Act, an intoxicating compound listed in the Use of
18 Intoxicating Compounds Act, or methamphetamine as listed in the
19 Methamphetamine Control and Community Protection Act, the law
20 enforcement officer shall immediately submit a sworn report to
21 the Secretary of State on a form prescribed by the Secretary of
22 State, certifying that the test or tests were requested under
23 subsection (a) of this Section and the person refused to submit
24 to a test or tests or submitted to testing which disclosed an
25 alcohol concentration of 0.08 or more, a tetrahydrocannabinol
26 concentration in the person's whole blood or other bodily

1 substance as defined in paragraph 6 of subsection (a) of
2 Section 11-501.2 of the Illinois Vehicle Code, or any amount of
3 a drug, substance, or intoxicating compound in the person's
4 blood or urine, resulting from the unlawful use or consumption
5 of a controlled substance listed in the Illinois Controlled
6 Substances Act, an intoxicating compound listed in the Use of
7 Intoxicating Compounds Act, or methamphetamine as listed in the
8 Methamphetamine Control and Community Protection Act.

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

15 The law enforcement officer submitting the sworn report
16 shall serve immediate notice of this suspension on the person
17 and this suspension and disqualification shall be effective on
18 the 46th day following the date notice was given.

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

1 Act, is established by a subsequent analysis of blood, other
2 bodily substance, or urine collected at the time of arrest, the
3 arresting officer shall give notice as provided in this Section
4 or by deposit in the United States mail of this notice in an
5 envelope with postage prepaid and addressed to the person at
6 his or her address as shown on the uniform citation and the
7 suspension and disqualification shall be effective on the 46th
8 day following the date notice was given. In cases involving a
9 person who is not a CDL holder where the blood alcohol
10 concentration of 0.08 or more, a tetrahydrocannabinol
11 concentration in the person's whole blood or other bodily
12 substance as defined in paragraph 6 of subsection (a) of
13 Section 11-501.2 of the Illinois Vehicle Code, or any amount of
14 a drug, substance, or intoxicating compound resulting from the
15 unlawful use or consumption of a controlled substance listed in
16 the Illinois Controlled Substances Act, an intoxicating
17 compound listed in the Use of Intoxicating Compounds Act, or
18 methamphetamine as listed in the Methamphetamine Control and
19 Community Protection Act, is established by a subsequent
20 analysis of blood, other bodily substance, or urine collected
21 at the time of arrest, the arresting officer shall give notice
22 as provided in this Section or by deposit in the United States
23 mail of this notice in an envelope with postage prepaid and
24 addressed to the person at his or her address as shown on the
25 uniform citation and the suspension shall be effective on the
26 46th day following the date notice was given.

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

11 (e) A person may contest this suspension of his or her
12 driving privileges and disqualification of his or her CDL
13 privileges by requesting an administrative hearing with the
14 Secretary of State in accordance with Section 2-118 of the
15 Illinois Vehicle Code. At the conclusion of a hearing held
16 under Section 2-118 of the Illinois Vehicle Code, the Secretary
17 of State may rescind, continue, or modify the orders of
18 suspension and disqualification. If the Secretary of State does
19 not rescind the orders of suspension and disqualification, a
20 restricted driving permit may be granted by the Secretary of
21 State upon application being made and good cause shown. A
22 restricted driving permit may be granted to relieve undue
23 hardship to allow driving for employment, educational, and
24 medical purposes as outlined in Section 6-206 of the Illinois
25 Vehicle Code. The provisions of Section 6-206 of the Illinois
26 Vehicle Code shall apply. In accordance with 49 C.F.R. 384, the

1 Secretary of State may not issue a restricted driving permit
2 for the operation of a commercial motor vehicle to a person
3 holding a CDL whose driving privileges have been suspended,
4 revoked, cancelled, or disqualified.

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

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

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

15 (705 ILCS 405/5-125)

16 Sec. 5-125. Concurrent jurisdiction. Any minor alleged to
17 have violated a traffic, boating, or fish and game law, or a
18 municipal or county ordinance, may be prosecuted for the
19 violation and if found guilty punished under any statute or
20 ordinance relating to the violation, without reference to the
21 procedures set out in this Article, except that:

22 (1) any detention, must be in compliance with this Article;
23 and

24 (2) the confidentiality of records provisions in Part 9 of

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

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

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

15 Section 40. The Cannabis Control Act is amended by changing
16 Section 4 and by adding Sections 5.3 and 17.5 as follows:

17 (720 ILCS 550/4) (from Ch. 56 1/2, par. 704)

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

20 (a) not more than 15 ~~2.5~~ grams of any substance
21 containing cannabis is guilty of a civil law violation
22 punishable by a minimum fine of \$55 and a maximum fine of
23 \$125. The proceeds of the fine shall be payable to the
24 clerk of the circuit court who shall deposit the moneys

1 from the fine into a special fund in the county treasury.
2 Within 30 days after the deposit of the fine into the
3 special fund, the county treasurer shall distribute the
4 proceeds of the fine as follows:

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

13 (2) \$15 to the county to fund drug addiction
14 services;

15 (3) \$10 to the Office of the State's Attorneys
16 Appellate Prosecutor for use in training programs;

17 (4) \$10 to the State's Attorney; and

18 (5) any remainder of the fine to the law
19 enforcement agency that issued the citation for the
20 violation.

21 With respect to funds designated for the Department of
22 State Police, the moneys shall be remitted by the circuit
23 court clerk to the Department of State Police within one
24 month after receipt for deposit into the State Police
25 Operations Assistance Fund. With respect to funds
26 designated for the Department of Natural Resources, the

1 Department of Natural Resources shall deposit the moneys
2 into the Conservation Police Operations Assistance Fund
3 ~~Class C misdemeanor;~~

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

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

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

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

20 (f) more than 2,000 grams but not more than 5,000 grams
21 of any substance containing cannabis is guilty of a Class 2
22 felony;

23 (g) more than 5,000 grams of any substance containing
24 cannabis is guilty of a Class 1 felony.

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

1 (720 ILCS 550/5.3 new)

2 Sec. 5.3. Unlawful use of cannabis-based product
3 manufacturing equipment.

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

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

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

20 (720 ILCS 550/17.5 new)

21 Sec. 17.5. Local ordinances.

22 The provisions of any ordinance enacted by any municipality
23 or unit of local government which imposes a fine upon cannabis
24 other than as defined in this Act are not invalidated or
25 affected by this Act.

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

3 (720 ILCS 600/3.5)

4 Sec. 3.5. Possession of drug paraphernalia.

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

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

20 (c) If a person violates subsection (a) of Section 4 of the
21 Cannabis Control Act, the penalty for possession of any drug
22 paraphernalia seized during the violation for that offense
23 shall be a civil law violation punishable by a minimum fine of
24 \$55 and a maximum fine of \$125. The proceeds of the fine shall

1 be payable to the clerk of the circuit court who shall deposit
2 the moneys from the fine into a special fund in the county
3 treasury. Within 30 days after the deposit of the fine into the
4 special fund, the county treasurer shall distribute the
5 proceeds of the fine as follows:

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

14 (2) \$15 to the county to fund drug addiction services;

15 (3) \$10 to the Office of the State's Attorneys
16 Appellate Prosecutor for use in training programs;

17 (4) \$10 to the State's Attorney; and

18 (5) any remainder of the fine to the law enforcement
19 agency that issued the citation for the violation.

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

1 Assistance Fund.

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

3 Section 50. The Code of Criminal Procedure of 1963 is
4 amended by changing 115-15 and by adding Section 115-23 as
5 follows:

6 (725 ILCS 5/115-15)

7 Sec. 115-15. Laboratory reports.

8 (a) In any criminal prosecution for a violation of the
9 Cannabis Control Act, the Illinois Controlled Substances Act,
10 or the Methamphetamine Control and Community Protection Act, a
11 laboratory report from the Department of State Police, Division
12 of Forensic Services, that is signed and sworn to by the person
13 performing an analysis and that states (1) that the substance
14 that is the basis of the alleged violation has been weighed and
15 analyzed, and (2) the person's findings as to the contents,
16 weight and identity of the substance, and (3) that it contains
17 any amount of a controlled substance or cannabis is prima facie
18 evidence of the contents, identity and weight of the substance.
19 Attached to the report shall be a copy of a notarized statement
20 by the signer of the report giving the name of the signer and
21 stating (i) that he or she is an employee of the Department of
22 State Police, Division of Forensic Services, (ii) the name and
23 location of the laboratory where the analysis was performed,
24 (iii) that performing the analysis is a part of his or her

1 regular duties, and (iv) that the signer is qualified by
2 education, training and experience to perform the analysis. The
3 signer shall also allege that scientifically accepted tests
4 were performed with due caution and that the evidence was
5 handled in accordance with established and accepted procedures
6 while in the custody of the laboratory.

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

1 (3) that performing the analysis is a part of his or her
2 regular duties, (4) that the signer is qualified by education,
3 training, and experience to perform the analysis, and (5) that
4 scientifically accepted tests were performed with due caution
5 and that the evidence was handled in accordance with
6 established and accepted procedures while in the custody of the
7 laboratory.

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

14 (c) The report shall not be prima facie evidence if the
15 accused or his or her attorney demands the testimony of the
16 person signing the report by serving the demand upon the
17 State's Attorney within 7 days from the accused or his or her
18 attorney's receipt of the report.

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

20 (725 ILCS 5/115-23 new)

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

- 1 (1) a properly administered field test; or
2 (2) opinion testimony of a peace officer based on the
3 officer's training and experience as qualified by the
4 court.

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

7 (730 ILCS 5/5-9-1.9)

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

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

16 "DUI analysis" means an analysis of blood, other bodily
17 substance, or urine for purposes of determining whether a
18 violation of Section 11-501 of the Illinois Vehicle Code has
19 occurred.

20 (b) When a person has been adjudged guilty of an offense in
21 violation of Section 11-501 of the Illinois Vehicle Code, in
22 addition to any other disposition, penalty, or fine imposed, a
23 crime laboratory DUI analysis fee of \$150 for each offense for
24 which the person was convicted shall be levied by the court for

1 each case in which a laboratory analysis occurred. Upon
2 verified petition of the person, the court may suspend payment
3 of all or part of the fee if it finds that the person does not
4 have the ability to pay the fee.

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

16 (d) All crime laboratory DUI analysis fees provided for by
17 this Section shall be collected by the clerk of the court and
18 forwarded to the appropriate crime laboratory DUI fund as
19 provided in subsection (f).

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

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

24 (2) Any combination of units of local government that
25 maintains a crime laboratory may establish a crime
26 laboratory DUI fund within the office of the treasurer of

1 the county where the crime laboratory is situated.

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

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

23 (g) Fees deposited into a crime laboratory DUI fund created
24 under paragraphs (1) and (2) of subsection (e) of this Section
25 shall be in addition to any allocations made pursuant to
26 existing law and shall be designated for the exclusive use of

1 the crime laboratory. These uses may include, but are not
2 limited to, the following:

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

5 (2) Purchase and maintenance of equipment for use in
6 performing analyses.

7 (3) Continuing education, training, and professional
8 development of forensic scientists regularly employed by
9 these laboratories.

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

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

19 Section 95. No acceleration or delay. Where this Act makes
20 changes in a statute that is represented in this Act by text
21 that is not yet or no longer in effect (for example, a Section
22 represented by multiple versions), the use of that text does
23 not accelerate or delay the taking effect of (i) the changes
24 made by this Act or (ii) provisions derived from any other
25 Public Act."