

1 AN ACT concerning criminal law.

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

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

6 (20 ILCS 2630/5.2)

7 Sec. 5.2. Expungement and sealing.

8 (a) General Provisions.

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

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

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

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

17 (iii) Court (730 ILCS 5/5-1-6),

18 (iv) Defendant (730 ILCS 5/5-1-7),

19 (v) Felony (730 ILCS 5/5-1-9),

20 (vi) Imprisonment (730 ILCS 5/5-1-10),

21 (vii) Judgment (730 ILCS 5/5-1-12),

22 (viii) Misdemeanor (730 ILCS 5/5-1-14),

23 (ix) Offense (730 ILCS 5/5-1-15),

- 1 (x) Parole (730 ILCS 5/5-1-16),
2 (xi) Petty Offense (730 ILCS 5/5-1-17),
3 (xii) Probation (730 ILCS 5/5-1-18),
4 (xiii) Sentence (730 ILCS 5/5-1-19),
5 (xiv) Supervision (730 ILCS 5/5-1-21), and
6 (xv) Victim (730 ILCS 5/5-1-22).

7 (B) As used in this Section, "charge not initiated
8 by arrest" means a charge (as defined by 730 ILCS
9 5/5-1-3) brought against a defendant where the
10 defendant is not arrested prior to or as a direct
11 result of the charge.

12 (C) "Conviction" means a judgment of conviction or
13 sentence entered upon a plea of guilty or upon a
14 verdict or finding of guilty of an offense, rendered by
15 a legally constituted jury or by a court of competent
16 jurisdiction authorized to try the case without a jury.
17 An order of supervision successfully completed by the
18 petitioner is not a conviction. An order of qualified
19 probation (as defined in subsection (a)(1)(J))
20 successfully completed by the petitioner is not a
21 conviction. An order of supervision or an order of
22 qualified probation that is terminated
23 unsatisfactorily is a conviction, unless the
24 unsatisfactory termination is reversed, vacated, or
25 modified and the judgment of conviction, if any, is
26 reversed or vacated.

1 (D) "Criminal offense" means a petty offense,
2 business offense, misdemeanor, felony, or municipal
3 ordinance violation (as defined in subsection
4 (a)(1)(H)). As used in this Section, a minor traffic
5 offense (as defined in subsection (a)(1)(G)) shall not
6 be considered a criminal offense.

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

16 (F) As used in this Section, "last sentence" means
17 the sentence, order of supervision, or order of
18 qualified probation (as defined by subsection
19 (a)(1)(J)), for a criminal offense (as defined by
20 subsection (a)(1)(D)) that terminates last in time in
21 any jurisdiction, regardless of whether the petitioner
22 has included the criminal offense for which the
23 sentence or order of supervision or qualified
24 probation was imposed in his or her petition. If
25 multiple sentences, orders of supervision, or orders
26 of qualified probation terminate on the same day and

1 are last in time, they shall be collectively considered
2 the "last sentence" regardless of whether they were
3 ordered to run concurrently.

4 (G) "Minor traffic offense" means a petty offense,
5 business offense, or Class C misdemeanor under the
6 Illinois Vehicle Code or a similar provision of a
7 municipal or local ordinance.

8 (H) "Municipal ordinance violation" means an
9 offense defined by a municipal or local ordinance that
10 is criminal in nature and with which the petitioner was
11 charged or for which the petitioner was arrested and
12 released without charging.

13 (I) "Petitioner" means an adult or a minor
14 prosecuted as an adult who has applied for relief under
15 this Section.

16 (J) "Qualified probation" means an order of
17 probation under Section 10 of the Cannabis Control Act,
18 Section 410 of the Illinois Controlled Substances Act,
19 Section 70 of the Methamphetamine Control and
20 Community Protection Act, Section 5-6-3.3 or 5-6-3.4
21 of the Unified Code of Corrections, Section
22 12-4.3(b) (1) and (2) of the Criminal Code of 1961 (as
23 those provisions existed before their deletion by
24 Public Act 89-313), Section 10-102 of the Illinois
25 Alcoholism and Other Drug Dependency Act, Section
26 40-10 of the Alcoholism and Other Drug Abuse and

1 Dependency Act, or Section 10 of the Steroid Control
2 Act. For the purpose of this Section, "successful
3 completion" of an order of qualified probation under
4 Section 10-102 of the Illinois Alcoholism and Other
5 Drug Dependency Act and Section 40-10 of the Alcoholism
6 and Other Drug Abuse and Dependency Act means that the
7 probation was terminated satisfactorily and the
8 judgment of conviction was vacated.

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

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

23 (M) "Terminate" as it relates to a sentence or
24 order of supervision or qualified probation includes
25 either satisfactory or unsatisfactory termination of
26 the sentence, unless otherwise specified in this

1 Section.

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

6 (2.5) Commencing 180 days after the effective date of
7 this amendatory Act of the 99th General Assembly, the law
8 enforcement agency issuing the citation shall
9 automatically expunge, on or before January 1 and July 1 of
10 each year, the law enforcement records of a person found to
11 have committed a civil law violation of subsection (a) of
12 Section 4 of the Cannabis Control Act or subsection (c) of
13 Section 3.5 of the Drug Paraphernalia Control Act in the
14 law enforcement agency's possession or control and which
15 contains the final satisfactory disposition which pertain
16 to the person issued a citation for that offense. The law
17 enforcement agency shall provide by rule the process for
18 access, review, and to confirm the automatic expungement by
19 the law enforcement agency issuing the citation.
20 Commencing 180 days after the effective date of this
21 amendatory Act of the 99th General Assembly, the clerk of
22 the circuit court shall automatically expunge, on or before
23 January 1 and July 1 of each year, the court records of a
24 person found in the circuit court to have committed a civil
25 law violation of subsection (a) of Section 4 of the
26 Cannabis Control Act or subsection (c) of Section 3.5 of

1 the Drug Paraphernalia Control Act in the clerk's
2 possession or control and which contains the final
3 satisfactory disposition which pertain to the person
4 issued a citation for any of those offenses.

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

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

23 (B) the sealing or expungement of records of minor
24 traffic offenses (as defined in subsection (a) (1) (G)),
25 unless the petitioner was arrested and released
26 without charging.

1 (C) the sealing of the records of arrests or
2 charges not initiated by arrest which result in an
3 order of supervision or a conviction for the following
4 offenses:

5 (i) offenses included in Article 11 of the
6 Criminal Code of 1961 or the Criminal Code of 2012
7 or a similar provision of a local ordinance, except
8 Section 11-14 of the Criminal Code of 1961 or the
9 Criminal Code of 2012, or a similar provision of a
10 local ordinance;

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

15 (iii) Sections 12-3.1 or 12-3.2 of the
16 Criminal Code of 1961 or the Criminal Code of 2012,
17 or Section 125 of the Stalking No Contact Order
18 Act, or Section 219 of the Civil No Contact Order
19 Act, or a similar provision of a local ordinance;

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

22 (v) any offense or attempted offense that
23 would subject a person to registration under the
24 Sex Offender Registration Act.

25 (D) the sealing of the records of an arrest which
26 results in the petitioner being charged with a felony

1 offense or records of a charge not initiated by arrest
2 for a felony offense unless:

3 (i) the charge is amended to a misdemeanor and
4 is otherwise eligible to be sealed pursuant to
5 subsection (c);

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

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

17 (iv) the charge is for a felony offense listed
18 in subsection (c) (2) (F) or the charge is amended to
19 a felony offense listed in subsection (c) (2) (F);

20 (v) the charge results in acquittal,
21 dismissal, or the petitioner's release without
22 conviction; or

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

25 (b) Expungement.

26 (1) A petitioner may petition the circuit court to

1 expunge the records of his or her arrests and charges not
2 initiated by arrest when:

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

5 (B) Each arrest or charge not initiated by arrest
6 sought to be expunged resulted in: (i) acquittal,
7 dismissal, or the petitioner's release without
8 charging, unless excluded by subsection (a)(3)(B);
9 (ii) a conviction which was vacated or reversed, unless
10 excluded by subsection (a)(3)(B); (iii) an order of
11 supervision and such supervision was successfully
12 completed by the petitioner, unless excluded by
13 subsection (a)(3)(A) or (a)(3)(B); or (iv) an order of
14 qualified probation (as defined in subsection
15 (a)(1)(J)) and such probation was successfully
16 completed by the petitioner.

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

18 (A) When the arrest or charge not initiated by
19 arrest sought to be expunged resulted in an acquittal,
20 dismissal, the petitioner's release without charging,
21 or the reversal or vacation of a conviction, there is
22 no waiting period to petition for the expungement of
23 such records.

24 (B) When the arrest or charge not initiated by
25 arrest sought to be expunged resulted in an order of
26 supervision, successfully completed by the petitioner,

1 the following time frames will apply:

2 (i) Those arrests or charges that resulted in
3 orders of supervision under Section 3-707, 3-708,
4 3-710, or 5-401.3 of the Illinois Vehicle Code or a
5 similar provision of a local ordinance, or under
6 Section 11-1.50, 12-3.2, or 12-15 of the Criminal
7 Code of 1961 or the Criminal Code of 2012, or a
8 similar provision of a local ordinance, shall not
9 be eligible for expungement until 5 years have
10 passed following the satisfactory termination of
11 the supervision.

12 (i-5) Those arrests or charges that resulted
13 in orders of supervision for a misdemeanor
14 violation of subsection (a) of Section 11-503 of
15 the Illinois Vehicle Code or a similar provision of
16 a local ordinance, that occurred prior to the
17 offender reaching the age of 25 years and the
18 offender has no other conviction for violating
19 Section 11-501 or 11-503 of the Illinois Vehicle
20 Code or a similar provision of a local ordinance
21 shall not be eligible for expungement until the
22 petitioner has reached the age of 25 years.

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

1 the supervision.

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

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

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

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

14 (5) Whenever a person has been convicted of criminal
15 sexual assault, aggravated criminal sexual assault,
16 predatory criminal sexual assault of a child, criminal
17 sexual abuse, or aggravated criminal sexual abuse, the
18 victim of that offense may request that the State's
19 Attorney of the county in which the conviction occurred
20 file a verified petition with the presiding trial judge at
21 the petitioner's trial to have a court order entered to
22 seal the records of the circuit court clerk in connection
23 with the proceedings of the trial court concerning that
24 offense. However, the records of the arresting authority
25 and the Department of State Police concerning the offense
26 shall not be sealed. The court, upon good cause shown,

1 shall make the records of the circuit court clerk in
2 connection with the proceedings of the trial court
3 concerning the offense available for public inspection.

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

12 (7) Nothing in this Section shall prevent the
13 Department of State Police from maintaining all records of
14 any person who is admitted to probation upon terms and
15 conditions and who fulfills those terms and conditions
16 pursuant to Section 10 of the Cannabis Control Act, Section
17 410 of the Illinois Controlled Substances Act, Section 70
18 of the Methamphetamine Control and Community Protection
19 Act, Section 5-6-3.3 or 5-6-3.4 of the Unified Code of
20 Corrections, Section 12-4.3 or subdivision (b)(1) of
21 Section 12-3.05 of the Criminal Code of 1961 or the
22 Criminal Code of 2012, Section 10-102 of the Illinois
23 Alcoholism and Other Drug Dependency Act, Section 40-10 of
24 the Alcoholism and Other Drug Abuse and Dependency Act, or
25 Section 10 of the Steroid Control Act.

26 (8) If the petitioner has been granted a certificate of

1 innocence under Section 2-702 of the Code of Civil
2 Procedure, the court that grants the certificate of
3 innocence shall also enter an order expunging the
4 conviction for which the petitioner has been determined to
5 be innocent as provided in subsection (h) of Section 2-702
6 of the Code of Civil Procedure.

7 (c) Sealing.

8 (1) Applicability. Notwithstanding any other provision
9 of this Act to the contrary, and cumulative with any rights
10 to expungement of criminal records, this subsection
11 authorizes the sealing of criminal records of adults and of
12 minors prosecuted as adults.

13 (2) Eligible Records. The following records may be
14 sealed:

15 (A) All arrests resulting in release without
16 charging;

17 (B) Arrests or charges not initiated by arrest
18 resulting in acquittal, dismissal, or conviction when
19 the conviction was reversed or vacated, except as
20 excluded by subsection (a) (3) (B);

21 (C) Arrests or charges not initiated by arrest
22 resulting in orders of supervision, including orders
23 of supervision for municipal ordinance violations,
24 successfully completed by the petitioner, unless
25 excluded by subsection (a) (3);

26 (D) Arrests or charges not initiated by arrest

1 resulting in convictions, including convictions on
2 municipal ordinance violations, unless excluded by
3 subsection (a) (3);

4 (E) Arrests or charges not initiated by arrest
5 resulting in orders of first offender probation under
6 Section 10 of the Cannabis Control Act, Section 410 of
7 the Illinois Controlled Substances Act, Section 70 of
8 the Methamphetamine Control and Community Protection
9 Act, or Section 5-6-3.3 of the Unified Code of
10 Corrections; and

11 (F) Arrests or charges not initiated by arrest
12 resulting in felony convictions for the following
13 offenses:

14 (i) Class 4 felony convictions for:

15 Prostitution under Section 11-14 of the
16 Criminal Code of 1961 or the Criminal Code of
17 2012.

18 Possession of cannabis under Section 4 of
19 the Cannabis Control Act.

20 Possession of a controlled substance under
21 Section 402 of the Illinois Controlled
22 Substances Act.

23 Offenses under the Methamphetamine
24 Precursor Control Act.

25 Offenses under the Steroid Control Act.

26 Theft under Section 16-1 of the Criminal

1 Code of 1961 or the Criminal Code of 2012.

2 Retail theft under Section 16A-3 or
3 paragraph (a) of 16-25 of the Criminal Code of
4 1961 or the Criminal Code of 2012.

5 Deceptive practices under Section 17-1 of
6 the Criminal Code of 1961 or the Criminal Code
7 of 2012.

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

10 Possession of burglary tools under Section
11 19-2 of the Criminal Code of 1961 or the
12 Criminal Code of 2012.

13 (ii) Class 3 felony convictions for:

14 Theft under Section 16-1 of the Criminal
15 Code of 1961 or the Criminal Code of 2012.

16 Retail theft under Section 16A-3 or
17 paragraph (a) of 16-25 of the Criminal Code of
18 1961 or the Criminal Code of 2012.

19 Deceptive practices under Section 17-1 of
20 the Criminal Code of 1961 or the Criminal Code
21 of 2012.

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

24 Possession with intent to manufacture or
25 deliver a controlled substance under Section
26 401 of the Illinois Controlled Substances Act.

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

4 (A) Records identified as eligible under
5 subsection (c)(2)(A) and (c)(2)(B) may be sealed at any
6 time.

7 (B) Records identified as eligible under
8 subsection (c)(2)(C) may be sealed (i) 3 years after
9 the termination of petitioner's last sentence (as
10 defined in subsection (a)(1)(F)) if the petitioner has
11 never been convicted of a criminal offense (as defined
12 in subsection (a)(1)(D)); or (ii) 4 years after the
13 termination of the petitioner's last sentence (as
14 defined in subsection (a)(1)(F)) if the petitioner has
15 ever been convicted of a criminal offense (as defined
16 in subsection (a)(1)(D)).

17 (C) Records identified as eligible under
18 subsections (c)(2)(D), (c)(2)(E), and (c)(2)(F) may be
19 sealed 4 years after the termination of the
20 petitioner's last sentence (as defined in subsection
21 (a)(1)(F)).

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

25 (4) Subsequent felony convictions. A person may not
26 have subsequent felony conviction records sealed as

1 provided in this subsection (c) if he or she is convicted
2 of any felony offense after the date of the sealing of
3 prior felony convictions as provided in this subsection
4 (c). The court may, upon conviction for a subsequent felony
5 offense, order the unsealing of prior felony conviction
6 records previously ordered sealed by the court.

7 (5) Notice of eligibility for sealing. Upon entry of a
8 disposition for an eligible record under this subsection
9 (c), the petitioner shall be informed by the court of the
10 right to have the records sealed and the procedures for the
11 sealing of the records.

12 (d) Procedure. The following procedures apply to
13 expungement under subsections (b), (e), and (e-6) and sealing
14 under subsections (c) and (e-5):

15 (1) Filing the petition. Upon becoming eligible to
16 petition for the expungement or sealing of records under
17 this Section, the petitioner shall file a petition
18 requesting the expungement or sealing of records with the
19 clerk of the court where the arrests occurred or the
20 charges were brought, or both. If arrests occurred or
21 charges were brought in multiple jurisdictions, a petition
22 must be filed in each such jurisdiction. The petitioner
23 shall pay the applicable fee, if not waived.

24 (2) Contents of petition. The petition shall be
25 verified and shall contain the petitioner's name, date of
26 birth, current address and, for each arrest or charge not

1 initiated by arrest sought to be sealed or expunged, the
2 case number, the date of arrest (if any), the identity of
3 the arresting authority, and such other information as the
4 court may require. During the pendency of the proceeding,
5 the petitioner shall promptly notify the circuit court
6 clerk of any change of his or her address. If the
7 petitioner has received a certificate of eligibility for
8 sealing from the Prisoner Review Board under paragraph (10)
9 of subsection (a) of Section 3-3-2 of the Unified Code of
10 Corrections, the certificate shall be attached to the
11 petition.

12 (3) Drug test. The petitioner must attach to the
13 petition proof that the petitioner has passed a test taken
14 within 30 days before the filing of the petition showing
15 the absence within his or her body of all illegal
16 substances as defined by the Illinois Controlled
17 Substances Act, the Methamphetamine Control and Community
18 Protection Act, and the Cannabis Control Act if he or she
19 is petitioning to:

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

21 (B) seal felony records for a violation of the
22 Illinois Controlled Substances Act, the
23 Methamphetamine Control and Community Protection Act,
24 or the Cannabis Control Act under clause (c) (2) (F);

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

26 (D) expunge felony records of a qualified

1 probation under clause (b) (1) (B) (iv).

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

9 (5) Objections.

10 (A) Any party entitled to notice of the petition
11 may file an objection to the petition. All objections
12 shall be in writing, shall be filed with the circuit
13 court clerk, and shall state with specificity the basis
14 of the objection. Whenever a person who has been
15 convicted of an offense is granted a pardon by the
16 Governor which specifically authorizes expungement, an
17 objection to the petition may not be filed.

18 (B) Objections to a petition to expunge or seal
19 must be filed within 60 days of the date of service of
20 the petition.

21 (6) Entry of order.

22 (A) The Chief Judge of the circuit wherein the
23 charge was brought, any judge of that circuit
24 designated by the Chief Judge, or in counties of less
25 than 3,000,000 inhabitants, the presiding trial judge
26 at the petitioner's trial, if any, shall rule on the

1 petition to expunge or seal as set forth in this
2 subsection (d) (6).

3 (B) Unless the State's Attorney or prosecutor, the
4 Department of State Police, the arresting agency, or
5 the chief legal officer files an objection to the
6 petition to expunge or seal within 60 days from the
7 date of service of the petition, the court shall enter
8 an order granting or denying the petition.

9 (7) Hearings. If an objection is filed, the court shall
10 set a date for a hearing and notify the petitioner and all
11 parties entitled to notice of the petition of the hearing
12 date at least 30 days prior to the hearing. Prior to the
13 hearing, the State's Attorney shall consult with the
14 Department as to the appropriateness of the relief sought
15 in the petition to expunge or seal. At the hearing, the
16 court shall hear evidence on whether the petition should or
17 should not be granted, and shall grant or deny the petition
18 to expunge or seal the records based on the evidence
19 presented at the hearing. The court may consider the
20 following:

21 (A) the strength of the evidence supporting the
22 defendant's conviction;

23 (B) the reasons for retention of the conviction
24 records by the State;

25 (C) the petitioner's age, criminal record history,
26 and employment history;

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

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

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

15 (9) Implementation of order.

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

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

25 (ii) the records of the circuit court clerk
26 shall be impounded until further order of the court

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

8 (iii) in response to an inquiry for expunged
9 records, the court, the Department, or the agency
10 receiving such inquiry, shall reply as it does in
11 response to inquiries when no records ever
12 existed.

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

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

22 (ii) the records of the circuit court clerk
23 shall be impounded until further order of the court
24 upon good cause shown and the name of the
25 petitioner obliterated on the official index
26 required to be kept by the circuit court clerk

1 under Section 16 of the Clerks of Courts Act, but
2 the order shall not affect any index issued by the
3 circuit court clerk before the entry of the order;

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

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

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

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

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

1 in subsection (a)(1)(E)) by the arresting agency
2 and any other agency as ordered by the court,
3 within 60 days of the date of service of the order,
4 unless a motion to vacate, modify, or reconsider
5 the order is filed under paragraph (12) of
6 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 (iii) the records shall be impounded by the
16 Department within 60 days of the date of service of
17 the order as ordered by the court, unless a motion
18 to vacate, modify, or reconsider the order is filed
19 under paragraph (12) of subsection (d) of this
20 Section;

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

1 Department of Corrections upon conviction for any
2 offense; and

3 (v) in response to an inquiry for these records
4 from anyone not authorized by law to access the
5 records, the court, the Department, or the agency
6 receiving the inquiry shall reply as it does in
7 response to inquiries when no records ever
8 existed.

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

18 (D) The Department shall send written notice to the
19 petitioner of its compliance with each order to expunge
20 or seal records within 60 days of the date of service
21 of that order or, if a motion to vacate, modify, or
22 reconsider is filed, within 60 days of service of the
23 order resolving the motion, if that order requires the
24 Department to expunge or seal records. In the event of
25 an appeal from the circuit court order, the Department
26 shall send written notice to the petitioner of its

1 compliance with an Appellate Court or Supreme Court
2 judgment to expunge or seal records within 60 days of
3 the issuance of the court's mandate. The notice is not
4 required while any motion to vacate, modify, or
5 reconsider, or any appeal or petition for
6 discretionary appellate review, is pending.

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

23 (11) Final Order. No court order issued under the
24 expungement or sealing provisions of this Section shall
25 become final for purposes of appeal until 30 days after
26 service of the order on the petitioner and all parties

1 entitled to notice of the petition.

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

14 (13) Effect of Order. An order granting a petition
15 under the expungement or sealing provisions of this Section
16 shall not be considered void because it fails to comply
17 with the provisions of this Section or because of any error
18 asserted in a motion to vacate, modify, or reconsider. The
19 circuit court retains jurisdiction to determine whether
20 the order is voidable and to vacate, modify, or reconsider
21 its terms based on a motion filed under paragraph (12) of
22 this subsection (d).

23 (14) Compliance with Order Granting Petition to Seal
24 Records. Unless a court has entered a stay of an order
25 granting a petition to seal, all parties entitled to notice
26 of the petition must fully comply with the terms of the

1 order within 60 days of service of the order even if a
2 party is seeking relief from the order through a motion
3 filed under paragraph (12) of this subsection (d) or is
4 appealing the order.

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

14 (16) The changes to this subsection (d) made by Public
15 Act 98-163 apply to all petitions pending on August 5, 2013
16 (the effective date of Public Act 98-163) and to all orders
17 ruling on a petition to expunge or seal on or after August
18 5, 2013 (the effective date of Public Act 98-163).

19 (e) Whenever a person who has been convicted of an offense
20 is granted a pardon by the Governor which specifically
21 authorizes expungement, he or she may, upon verified petition
22 to the Chief Judge of the circuit where the person had been
23 convicted, any judge of the circuit designated by the Chief
24 Judge, or in counties of less than 3,000,000 inhabitants, the
25 presiding trial judge at the defendant's trial, have a court
26 order entered expunging the record of arrest from the official

1 records of the arresting authority and order that the records
2 of the circuit court clerk and the Department be sealed until
3 further order of the court upon good cause shown or as
4 otherwise provided herein, and the name of the defendant
5 obliterated from the official index requested to be kept by the
6 circuit court clerk under Section 16 of the Clerks of Courts
7 Act in connection with the arrest and conviction for the
8 offense for which he or she had been pardoned but the order
9 shall not affect any index issued by the circuit court clerk
10 before the entry of the order. All records sealed by the
11 Department may be disseminated by the Department only to the
12 arresting authority, the State's Attorney, and the court upon a
13 later arrest for the same or similar offense or for the purpose
14 of sentencing for any subsequent felony. Upon conviction for
15 any subsequent offense, the Department of Corrections shall
16 have access to all sealed records of the Department pertaining
17 to that individual. Upon entry of the order of expungement, the
18 circuit court clerk shall promptly mail a copy of the order to
19 the person who was pardoned.

20 (e-5) Whenever a person who has been convicted of an
21 offense is granted a certificate of eligibility for sealing by
22 the Prisoner Review Board which specifically authorizes
23 sealing, he or she may, upon verified petition to the Chief
24 Judge of the circuit where the person had been convicted, any
25 judge of the circuit designated by the Chief Judge, or in
26 counties of less than 3,000,000 inhabitants, the presiding

1 trial judge at the petitioner's trial, have a court order
2 entered sealing the record of arrest from the official records
3 of the arresting authority and order that the records of the
4 circuit court clerk and the Department be sealed until further
5 order of the court upon good cause shown or as otherwise
6 provided herein, and the name of the petitioner obliterated
7 from the official index requested to be kept by the circuit
8 court clerk under Section 16 of the Clerks of Courts Act in
9 connection with the arrest and conviction for the offense for
10 which he or she had been granted the certificate but the order
11 shall not affect any index issued by the circuit court clerk
12 before the entry of the order. All records sealed by the
13 Department may be disseminated by the Department only as
14 required by this Act or to the arresting authority, a law
15 enforcement agency, the State's Attorney, and the court upon a
16 later arrest for the same or similar offense or for the purpose
17 of sentencing for any subsequent felony. Upon conviction for
18 any subsequent offense, the Department of Corrections shall
19 have access to all sealed records of the Department pertaining
20 to that individual. Upon entry of the order of sealing, the
21 circuit court clerk shall promptly mail a copy of the order to
22 the person who was granted the certificate of eligibility for
23 sealing.

24 (e-6) Whenever a person who has been convicted of an
25 offense is granted a certificate of eligibility for expungement
26 by the Prisoner Review Board which specifically authorizes

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

1 eligibility for expungement.

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

14 (Source: P.A. 97-443, eff. 8-19-11; 97-698, eff. 1-1-13;
15 97-1026, eff. 1-1-13; 97-1108, eff. 1-1-13; 97-1109, eff.
16 1-1-13; 97-1118, eff. 1-1-13; 97-1120, eff. 1-1-13; 97-1150,
17 eff. 1-25-13; 98-133, eff. 1-1-14; 98-142, eff. 1-1-14; 98-163,
18 eff. 8-5-13; 98-164, eff. 1-1-14; 98-399, eff. 8-16-13; 98-635,
19 eff. 1-1-15; 98-637, eff. 1-1-15; 98-756, eff. 7-16-14;
20 98-1009, eff. 1-1-15; revised 9-30-14.)

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

23 (410 ILCS 130/65)

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

1 Sec. 65. Denial of registry identification cards.

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

5 (1) did not provide the required information and
6 materials;

7 (2) previously had a registry identification card
8 revoked;

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

10 (4) provided false or falsified information.

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

17 (b-5) If a person was convicted of a felony under the
18 Cannabis Control Act or a similar provision of a local
19 ordinance or of a law of another jurisdiction, and the action
20 warranting that felony is no longer considered a felony after
21 the effective date of this amendatory Act of the 99th General
22 Assembly, that person shall be eligible to receive a registry
23 identification card.

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

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

3 (2) the applicant did not provide the information
4 required;

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

6 (4) the designated caregiver previously had a registry
7 identification card revoked; or

8 (5) the applicant or the designated caregiver provided
9 false or falsified information.

10 (d) The Department of Public Health through the Department
11 of State Police shall conduct a background check of the
12 prospective qualifying patient and designated caregiver in
13 order to carry out this Section. The Department of State Police
14 shall charge a fee for conducting the criminal history record
15 check, which shall be deposited in the State Police Services
16 Fund and shall not exceed the actual cost of the record check.
17 Each person applying as a qualifying patient or a designated
18 caregiver shall submit a full set of fingerprints to the
19 Department of State Police for the purpose of obtaining a State
20 and federal criminal records check. These fingerprints shall be
21 checked against the fingerprint records now and hereafter, to
22 the extent allowed by law, filed in the Department of State
23 Police and Federal Bureau of Investigation criminal history
24 records databases. The Department of State Police shall
25 furnish, following positive identification, all Illinois
26 conviction information to the Department of Public Health. The

1 Department of Public Health may waive the submission of a
2 qualifying patient's complete fingerprints based on (1) the
3 severity of the patient's illness and (2) the inability of the
4 qualifying patient to supply those fingerprints, provided that
5 a complete criminal background check is conducted by the
6 Department of State Police prior to the issuance of a registry
7 identification card.

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

12 (f) Denial of an application or renewal is considered a
13 final Department action, subject to judicial review.
14 Jurisdiction and venue for judicial review are vested in the
15 Circuit Court.

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

17 Section 15. The Illinois Aeronautics Act is amended by
18 changing Sections 43d and 43e as follows:

19 (620 ILCS 5/43d) (from Ch. 15 1/2, par. 22.43d)

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

21 (a) No person shall:

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

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

5 (3) Perform any act in connection with the maintenance
6 or operation of any aircraft when under the influence of
7 intoxicating liquor or any narcotic drug or other
8 controlled substance, except medication prescribed by a
9 physician which will not render the person incapable of
10 performing his duties safely.

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

14 (ii) Act as a crew member of any aircraft within this
15 State while under the influence of alcohol or when the
16 alcohol concentration in the person's blood, other bodily
17 substance, or breath is 0.04 or more based on the
18 definition of blood, other bodily substance, and breath
19 units contained in Section 11-501.2 of the Illinois Vehicle
20 Code.

21 (iii) Operate any aircraft within this State when the
22 alcohol concentration in the person's blood, other bodily
23 substance, or breath is 0.04 or more based on the
24 definition of blood, other bodily substance, and breath
25 units contained in Section 11-501.2 of the Illinois Vehicle
26 Code.

1 (iv) Operate or act as a crew member of any aircraft
2 within this State when there is any amount of a drug,
3 substance, or compound in the person's blood, other bodily
4 substance, or urine resulting from the unlawful use or
5 consumption of cannabis as listed in the Cannabis Control
6 Act or a controlled substance as listed in the Illinois
7 Controlled Substances Act.

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

11 (b) Any person who violates clause (4) (i) of subsection (a)
12 of this Section is guilty of a Class A misdemeanor. A person
13 who violates paragraph (2), (3), or (5) or clause (4) (ii) of
14 subsection (a) of this Section is guilty of a Class 4 felony. A
15 person who violates paragraph (1) or clause (4) (iii) or (4) (iv)
16 of subsection (a) of this Section is guilty of a Class 3
17 felony.

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

19 (620 ILCS 5/43e) (from Ch. 15 1/2, par. 22.43e)

20 Sec. 43e. (a) Any person who operates, is in actual
21 physical control or who acts as a crew member of any aircraft
22 in this State shall be deemed to have given consent, subject to
23 the provisions of Section 11-501.2 of the Illinois Vehicle
24 Code, to a chemical test or tests of blood, breath, other
25 bodily substance, or urine for the purpose of determining the

1 alcohol, other drug, or combination thereof content of the
2 person's blood if arrested or upon request by any law
3 enforcement officer where the officer has probable cause to
4 believe the person is in violation of Section 43d of this Act.
5 The test or tests shall be administered at the direction of the
6 arresting law enforcement officer and the agency employing the
7 officer shall designate which of the tests specified in this
8 Section shall be administered.

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

15 (c) If the person refuses testing or submits to a test
16 which discloses an alcohol concentration of 0.04 or more or
17 discloses the presence of any illegal drug the law enforcement
18 officer shall immediately submit a sworn report containing that
19 information to the Federal Aviation Administration, Civil
20 Aeronautics Board or any other federal agency responsible for
21 the licensing of pilots and crew members. The test results
22 shall, in addition, be made available to any agency responsible
23 for relicensing or recertifying any pilot or crew member.

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

25 Section 20. The Illinois Vehicle Code is amended by

1 changing Sections 2-118, 2-118.1, 6-106.1a, 6-208.1, 6-514,
2 6-517, 11-401, 11-500, 11-500.1, 11-501, 11-501.1, 11-501.2,
3 11-501.4, 11-501.4-1, 11-501.6, 11-501.8, and 11-507 as
4 follows:

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

6 Sec. 2-118. Hearings.

7 (a) Upon the suspension, revocation or denial of the
8 issuance of a license, permit, registration or certificate of
9 title under this Code of any person the Secretary of State
10 shall immediately notify such person in writing and upon his
11 written request shall, within 20 days after receipt thereof,
12 set a date for a hearing to commence within 90 calendar days
13 from the date of the written request for all requests related
14 to a suspension, revocation, or the denial of the issuance of a
15 license, permit, registration, or certificate of title
16 occurring after July 1, 2002, in the County of Sangamon, the
17 County of Jefferson, or the County of Cook, as such person may
18 specify, unless both parties agree that such hearing may be
19 held in some other county. The Secretary may require the
20 payment of a fee of not more than \$50 for the filing of any
21 petition, motion, or request for hearing conducted pursuant to
22 this Section. These fees must be deposited into the Secretary
23 of State DUI Administration Fund, a special fund created in the
24 State treasury, and, subject to appropriation and as directed
25 by the Secretary of State, shall be used for operation of the

1 Department of Administrative Hearings of the Office of the
2 Secretary of State and for no other purpose. The Secretary
3 shall establish by rule the amount and the procedures, terms,
4 and conditions relating to these fees.

5 (b) At any time after the suspension, revocation or denial
6 of a license, permit, registration or certificate of title of
7 any person as hereinbefore referred to, the Secretary of State,
8 in his or her discretion and without the necessity of a request
9 by such person, may hold such a hearing, upon not less than 10
10 days' notice in writing, in the Counties of Sangamon,
11 Jefferson, or Cook or in any other county agreed to by the
12 parties.

13 (c) Upon any such hearing, the Secretary of State, or his
14 authorized agent may administer oaths and issue subpoenas for
15 the attendance of witnesses and the production of relevant
16 books and records and may require an examination of such
17 person. Upon any such hearing, the Secretary of State shall
18 either rescind or, good cause appearing therefor, continue,
19 change or extend the Order of Revocation or Suspension, or upon
20 petition therefore and subject to the provisions of this Code,
21 issue a restricted driving permit or reinstate the license or
22 permit of such person.

23 (d) All hearings and hearing procedures shall comply with
24 requirements of the Constitution, so that no person is deprived
25 of due process of law nor denied equal protection of the laws.
26 All hearings shall be held before the Secretary of State or

1 before such persons as may be designated by the Secretary of
2 State and appropriate records of such hearings shall be kept.
3 Where a transcript of the hearing is taken, the person
4 requesting the hearing shall have the opportunity to order a
5 copy thereof at his own expense. The Secretary of State shall
6 enter an order upon any hearing conducted under this Section,
7 related to a suspension, revocation, or the denial of the
8 issuance of a license, permit, registration, or certificate of
9 title occurring after July 1, 2002, within 90 days of its
10 conclusion and shall immediately notify the person in writing
11 of his or her action.

12 (d-5) Any hearing over which the Secretary of State has
13 jurisdiction because of a person's implied consent to testing
14 of the person's blood, breath, other bodily substance, or urine
15 for the presence of alcohol, drugs, or intoxicating compounds
16 may be conducted upon a review of the official police reports.
17 Either party, however, may subpoena the arresting officer and
18 any other law enforcement officer who was involved in the
19 petitioner's arrest or processing after arrest, as well as any
20 other person whose testimony may be probative to the issues at
21 the hearing. The failure of a law enforcement officer to answer
22 the subpoena shall be considered grounds for a continuance if,
23 in the hearing officer's discretion, the continuance is
24 appropriate. The failure of the arresting officer to answer a
25 subpoena shall not, in and of itself, be considered grounds for
26 the rescission of an implied consent suspension. Rather, the

1 hearing shall proceed on the basis of the other evidence
2 available, and the hearing officer shall assign this evidence
3 whatever probative value is deemed appropriate. The decision
4 whether to rescind shall be based upon the totality of the
5 evidence.

6 (e) The action of the Secretary of State in suspending,
7 revoking or denying any license, permit, registration, or
8 certificate of title shall be subject to judicial review in the
9 Circuit Court of Sangamon County, in the Circuit Court of
10 Jefferson County, or in the Circuit Court of Cook County, and
11 the provisions of the Administrative Review Law, and all
12 amendments and modifications thereto, and the rules adopted
13 pursuant thereto, are hereby adopted and shall apply to and
14 govern every action for the judicial review of final acts or
15 decisions of the Secretary of State hereunder.

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

17 (625 ILCS 5/2-118.1) (from Ch. 95 1/2, par. 2-118.1)

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

21 (a) A statutory summary suspension or revocation of driving
22 privileges under Section 11-501.1 shall not become effective
23 until the person is notified in writing of the impending
24 suspension or revocation and informed that he may request a
25 hearing in the circuit court of venue under paragraph (b) of

1 this Section and the statutory summary suspension or revocation
2 shall become effective as provided in Section 11-501.1.

3 (b) Within 90 days after the notice of statutory summary
4 suspension or revocation served under Section 11-501.1, the
5 person may make a written request for a judicial hearing in the
6 circuit court of venue. The request to the circuit court shall
7 state the grounds upon which the person seeks to have the
8 statutory summary suspension or revocation rescinded. Within
9 30 days after receipt of the written request or the first
10 appearance date on the Uniform Traffic Ticket issued pursuant
11 to a violation of Section 11-501, or a similar provision of a
12 local ordinance, the hearing shall be conducted by the circuit
13 court having jurisdiction. This judicial hearing, request, or
14 process shall not stay or delay the statutory summary
15 suspension or revocation. The hearings shall proceed in the
16 court in the same manner as in other civil proceedings.

17 The hearing may be conducted upon a review of the law
18 enforcement officer's own official reports; provided however,
19 that the person may subpoena the officer. Failure of the
20 officer to answer the subpoena shall be considered grounds for
21 a continuance if in the court's discretion the continuance is
22 appropriate.

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

- 24 1. Whether the person was placed under arrest for an
25 offense as defined in Section 11-501, or a similar
26 provision of a local ordinance, as evidenced by the

1 issuance of a Uniform Traffic Ticket, or issued a Uniform
2 Traffic Ticket out of state as provided in subsection (a)
3 of Section 11-501.1; and

4 2. Whether the officer had reasonable grounds to
5 believe that the person was driving or in actual physical
6 control of a motor vehicle upon a highway while under the
7 influence of alcohol, other drug, or combination of both;
8 and

9 3. Whether the person, after being advised by the
10 officer that the privilege to operate a motor vehicle would
11 be suspended or revoked if the person refused to submit to
12 and complete the test or tests, did refuse to submit to or
13 complete the test or tests to determine the person's blood
14 alcohol or drug concentration; or

15 4. Whether the person, after being advised by the
16 officer that the privilege to operate a motor vehicle would
17 be suspended if the person submits to a chemical test, or
18 tests, and the test discloses an alcohol concentration of
19 0.08 or more, a tetrahydrocannabinol concentration as
20 defined in paragraph 6 of subsection (a) of Section
21 11-501.2 of this Code, or any amount of a drug, substance,
22 or compound in the person's blood, other bodily substance,
23 or urine resulting from the unlawful use or consumption of
24 ~~cannabis listed in the Cannabis Control Act,~~ a controlled
25 substance listed in the Illinois Controlled Substances
26 Act, an intoxicating compound as listed in the Use of

1 Intoxicating Compounds Act, or methamphetamine as listed
2 in the Methamphetamine Control and Community Protection
3 Act, and the person did submit to and complete the test or
4 tests that determined an alcohol concentration of 0.08 or
5 more.

6 4.2. (Blank).

7 4.5. (Blank).

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

11 Upon the conclusion of the judicial hearing, the circuit
12 court shall sustain or rescind the statutory summary suspension
13 or revocation and immediately notify the Secretary of State.
14 Reports received by the Secretary of State under this Section
15 shall be privileged information and for use only by the courts,
16 police officers, and Secretary of State.

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

18 (625 ILCS 5/6-106.1a)

19 Sec. 6-106.1a. Cancellation of school bus driver permit;
20 trace of alcohol.

21 (a) A person who has been issued a school bus driver permit
22 by the Secretary of State in accordance with Section 6-106.1 of
23 this Code and who drives or is in actual physical control of a
24 school bus or any other vehicle owned or operated by or for a
25 public or private school, or a school operated by a religious

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

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

- 25 (1) Chemical analysis of the person's blood, urine,
26 breath, or other bodily substance, to be considered valid

1 under the provisions of this Section, shall have been
2 performed according to standards promulgated by the
3 Department of State Police by an individual possessing a
4 valid permit issued by the Department of State Police for
5 this purpose. The Director of State Police is authorized to
6 approve satisfactory techniques or methods, to ascertain
7 the qualifications and competence of individuals to
8 conduct analyses, to issue permits that shall be subject to
9 termination or revocation at the direction of the
10 Department of State Police, and to certify the accuracy of
11 breath testing equipment. The Department of State Police
12 shall prescribe rules as necessary.

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

23 (3) The person tested may have a physician, qualified
24 technician, chemist, registered nurse, or other qualified
25 person of his or her own choosing administer a chemical
26 test or tests in addition to any test or tests administered

1 at the direction of a law enforcement officer. The test
2 administered at the request of the person may be admissible
3 into evidence at a hearing conducted in accordance with
4 Section 2-118 of this Code. The failure or inability to
5 obtain an additional test by a person shall not preclude
6 the consideration of the previously performed chemical
7 test.

8 (4) Upon a request of the person who submits to a
9 chemical test or tests at the request of a law enforcement
10 officer, full information concerning the test or tests
11 shall be made available to the person or that person's
12 attorney by the requesting law enforcement agency within 72
13 hours of receipt of the test result.

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

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

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

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

12 (d) If the person refuses testing or submits to a test that
13 discloses an alcohol concentration of more than 0.00, the law
14 enforcement officer shall immediately submit a sworn report to
15 the Secretary of State on a form prescribed by the Secretary of
16 State certifying that the test or tests were requested under
17 subsection (a) and the person refused to submit to a test or
18 tests or submitted to testing which disclosed an alcohol
19 concentration of more than 0.00. The law enforcement officer
20 shall submit the same sworn report when a person who has been
21 issued a school bus driver permit and who was operating a
22 school bus or any other vehicle owned or operated by or for a
23 public or private school, or a school operated by a religious
24 institution, when the vehicle is being used over a regularly
25 scheduled route for the transportation of persons enrolled as
26 students in grade 12 or below, in connection with any activity

1 of the entities listed, submits to testing under Section
2 11-501.1 of this Code and the testing discloses an alcohol
3 concentration of more than 0.00 and less than the alcohol
4 concentration at which driving or being in actual physical
5 control of a motor vehicle is prohibited under paragraph (1) of
6 subsection (a) of Section 11-501.

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

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

16 In cases where the blood alcohol concentration of more than
17 0.00 is established by a subsequent analysis of blood, other
18 bodily substance, or urine, the police officer or arresting
19 agency shall give notice as provided in this Section or by
20 deposit in the United States mail of that notice in an envelope
21 with postage prepaid and addressed to that person at his or her
22 last known address and the loss of the school bus driver permit
23 shall be effective on the 46th day following the date notice
24 was given.

25 Upon receipt of the sworn report of a law enforcement
26 officer, the Secretary of State shall also give notice of the

1 school bus driver permit sanction to the driver and the
2 driver's current employer by mailing a notice of the effective
3 date of the sanction to the individual. However, shall the
4 sworn report be defective by not containing sufficient
5 information or be completed in error, the notice of the school
6 bus driver permit sanction may not be mailed to the person or
7 his current employer or entered to the driving record, but
8 rather the sworn report shall be returned to the issuing law
9 enforcement agency.

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

24 (1) whether the police officer had probable cause to
25 believe that the person was driving or in actual physical
26 control of a school bus or any other vehicle owned or

1 operated by or for a public or private school, or a school
2 operated by a religious institution, when the vehicle is
3 being used over a regularly scheduled route for the
4 transportation of persons enrolled as students in grade 12
5 or below, in connection with any activity of the entities
6 listed, upon the public highways of the State and the
7 police officer had reason to believe that the person was in
8 violation of any provision of this Code or a similar
9 provision of a local ordinance; and

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

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

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

24 (5) whether the person, after being advised by the
25 officer that the privileges to possess a school bus driver
26 permit would be canceled if the person submits to a

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

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

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

13 The Secretary of State may adopt administrative rules
14 setting forth circumstances under which the holder of a school
15 bus driver permit is not required to appear in person at the
16 hearing.

17 Provided that the petitioner may subpoena the officer, the
18 hearing may be conducted upon a review of the law enforcement
19 officer's own official reports. Failure of the officer to
20 answer the subpoena shall be grounds for a continuance if, in
21 the hearing officer's discretion, the continuance is
22 appropriate. At the conclusion of the hearing held under
23 Section 2-118 of this Code, the Secretary of State may rescind,
24 continue, or modify the school bus driver permit sanction.

25 (f) The results of any chemical testing performed in
26 accordance with subsection (a) of this Section are not

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

10 (g) This Section applies only to drivers who have been
11 issued a school bus driver permit in accordance with Section
12 6-106.1 of this Code at the time of the issuance of the Uniform
13 Traffic Ticket for a violation of this Code or a similar
14 provision of a local ordinance, and a chemical test request is
15 made under this Section.

16 (h) The action of the Secretary of State in suspending,
17 revoking, canceling, or denying any license, permit,
18 registration, or certificate of title shall be subject to
19 judicial review in the Circuit Court of Sangamon County or in
20 the Circuit Court of Cook County, and the provisions of the
21 Administrative Review Law and its rules are hereby adopted and
22 shall apply to and govern every action for the judicial review
23 of final acts or decisions of the Secretary of State under this
24 Section.

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

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

2 Sec. 6-208.1. Period of statutory summary alcohol, other
3 drug, or intoxicating compound related suspension or
4 revocation.

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

10 1. twelve months from the effective date of the
11 statutory summary suspension for a refusal or failure to
12 complete a test or tests to determine the alcohol, other
13 drug, or intoxicating compound concentration under Section
14 11-501.1, if the person was not involved in a motor vehicle
15 accident that caused personal injury or death to another;
16 or

17 2. six months from the effective date of the statutory
18 summary suspension imposed following the person's
19 submission to a chemical test which disclosed an alcohol
20 concentration of 0.08 or more, the presence of cannabis as
21 listed in the Cannabis Control Act with a
22 tetrahydrocannabinol concentration as defined in paragraph
23 6 of subsection (a) of Section 11-501.2 of this Code, or
24 any amount of a drug, substance, or intoxicating compound
25 in such person's breath, blood, other bodily substance, or
26 urine resulting from the unlawful use or consumption of

1 ~~cannabis listed in the Cannabis Control Act,~~ a controlled
2 substance listed in the Illinois Controlled Substances
3 Act, an intoxicating compound listed in the Use of
4 Intoxicating Compounds Act, or methamphetamine as listed
5 in the Methamphetamine Control and Community Protection
6 Act, pursuant to Section 11-501.1; or

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

12 4. one year from the effective date of the summary
13 suspension imposed for any person other than a first
14 offender following submission to a chemical test which
15 disclosed an alcohol concentration of 0.08 or more pursuant
16 to Section 11-501.1, the presence of cannabis as listed in
17 the Cannabis Control Act with a tetrahydrocannabinol
18 concentration as defined in paragraph 6 of subsection (a)
19 of Section 11-501.2 of this Code, or any amount of a drug,
20 substance or compound in such person's blood, other bodily
21 substance, or urine resulting from the unlawful use or
22 consumption of ~~cannabis listed in the Cannabis Control Act,~~
23 a controlled substance listed in the Illinois Controlled
24 Substances Act, an intoxicating compound listed in the Use
25 of Intoxicating Compounds Act, or methamphetamine as
26 listed in the Methamphetamine Control and Community

1 Protection Act; or

2 5. (Blank).

3 (b) Following a statutory summary suspension of the
4 privilege to drive a motor vehicle under Section 11-501.1,
5 driving privileges shall be restored unless the person is
6 otherwise suspended, revoked, or cancelled by this Code. If the
7 court has reason to believe that the person's driving privilege
8 should not be restored, the court shall notify the Secretary of
9 State prior to the expiration of the statutory summary
10 suspension so appropriate action may be taken pursuant to this
11 Code.

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

16 (d) Where a driving privilege has been summarily suspended
17 or revoked under Section 11-501.1 and the person is
18 subsequently convicted of violating Section 11-501, or a
19 similar provision of a local ordinance, for the same incident,
20 any period served on statutory summary suspension or revocation
21 shall be credited toward the minimum period of revocation of
22 driving privileges imposed pursuant to Section 6-205.

23 (e) A first offender who refused chemical testing and whose
24 driving privileges were summarily revoked pursuant to Section
25 11-501.1 shall not be eligible for a monitoring device driving
26 permit, but may make application for reinstatement or for a

1 restricted driving permit after a period of one year has
2 elapsed from the effective date of the revocation.

3 (f) (Blank).

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

8 (h) (Blank).

9 (Source: P.A. 97-229, eff. 7-28-11; 98-122, eff. 1-1-14;
10 98-1015, eff. 8-22-14; 98-1172, eff. 1-12-15.)

11 (625 ILCS 5/6-514) (from Ch. 95 1/2, par. 6-514)

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

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

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

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

23 (2) Operating a commercial motor vehicle while the
24 alcohol concentration of the person's blood, breath or
25 urine is at least 0.04, or any amount of a drug, substance,

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

20 (3) Conviction for a first violation of:

21 (i) Driving a commercial motor vehicle or, if the
22 driver is a CDL holder, driving a non-CMV while under
23 the influence of alcohol, or any other drug, or
24 combination of drugs to a degree which renders such
25 person incapable of safely driving; or

26 (ii) Knowingly leaving the scene of an accident

1 while operating a commercial motor vehicle or, if the
2 driver is a CDL holder, while driving a non-CMV; or

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

6 (iv) Driving a commercial motor vehicle while the
7 person's driving privileges or driver's license or
8 permit is revoked, suspended, or cancelled or the
9 driver is disqualified from operating a commercial
10 motor vehicle; or

11 (v) Causing a fatality through the negligent
12 operation of a commercial motor vehicle, including but
13 not limited to the crimes of motor vehicle
14 manslaughter, homicide by a motor vehicle, and
15 negligent homicide.

16 As used in this subdivision (a)(3)(v), "motor
17 vehicle manslaughter" means the offense of involuntary
18 manslaughter if committed by means of a vehicle;
19 "homicide by a motor vehicle" means the offense of
20 first degree murder or second degree murder, if either
21 offense is committed by means of a vehicle; and
22 "negligent homicide" means reckless homicide under
23 Section 9-3 of the Criminal Code of 1961 or the
24 Criminal Code of 2012 and aggravated driving under the
25 influence of alcohol, other drug or drugs,
26 intoxicating compound or compounds, or any combination

1 thereof under subdivision (d)(1)(F) of Section 11-501
2 of this Code.

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

7 (4) (Blank).

8 (b) A person is disqualified for life for a second
9 conviction of any of the offenses specified in paragraph (a),
10 or any combination of those offenses, arising from 2 or more
11 separate incidents.

12 (c) A person is disqualified from driving a commercial
13 motor vehicle for life if the person either (i) uses a
14 commercial motor vehicle in the commission of any felony
15 involving the manufacture, distribution, or dispensing of a
16 controlled substance, or possession with intent to
17 manufacture, distribute or dispense a controlled substance or
18 (ii) if the person is a CDL holder, uses a non-CMV in the
19 commission of a felony involving any of those activities.

20 (d) The Secretary of State may, when the United States
21 Secretary of Transportation so authorizes, issue regulations
22 in which a disqualification for life under paragraph (b) may be
23 reduced to a period of not less than 10 years. If a reinstated
24 driver is subsequently convicted of another disqualifying
25 offense, as specified in subsection (a) of this Section, he or
26 she shall be permanently disqualified for life and shall be

1 ineligible to again apply for a reduction of the lifetime
2 disqualification.

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

22 (e-1) (Blank).

23 (f) Notwithstanding any other provision of this Code, any
24 driver disqualified from operating a commercial motor vehicle,
25 pursuant to this UCDLA, shall not be eligible for restoration
26 of commercial driving privileges during any such period of

1 disqualification.

2 (g) After suspending, revoking, or cancelling a commercial
3 driver's license, the Secretary of State must update the
4 driver's records to reflect such action within 10 days. After
5 suspending or revoking the driving privilege of any person who
6 has been issued a CDL or commercial driver instruction permit
7 from another jurisdiction, the Secretary shall originate
8 notification to such issuing jurisdiction within 10 days.

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

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

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

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

25 (3) For 3 years upon a third or subsequent conviction
26 of paragraph (2) of subsection (b) or subsection (b-3) or

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

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

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

15 (6) For 5 years upon a third or subsequent conviction
16 of paragraph (3) of subsection (b) or subsection (b-5) 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 (3) of subsection
21 (b) or (b-5).

22 (j) Disqualification for railroad-highway grade crossing
23 violation.

24 (1) General rule. A driver who is convicted of a
25 violation of a federal, State, or local law or regulation
26 pertaining to one of the following 6 offenses at a

1 railroad-highway grade crossing must be disqualified from
2 operating a commercial motor vehicle for the period of time
3 specified in paragraph (2) of this subsection (j) if the
4 offense was committed while operating a commercial motor
5 vehicle:

6 (i) For drivers who are not required to always
7 stop, failing to slow down and check that the tracks
8 are clear of an approaching train or railroad track
9 equipment, as described in subsection (a-5) of Section
10 11-1201 of this Code;

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

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

18 (iv) For all drivers, failing to have sufficient
19 space to drive completely through the crossing without
20 stopping, as described in subsection (b) of Section
21 11-1425 of this Code;

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

26 (vi) For all drivers, failing to negotiate a

1 crossing because of insufficient undercarriage
2 clearance, as described in subsection (d-1) of Section
3 11-1201 of this Code.

4 (2) Duration of disqualification for railroad-highway
5 grade crossing violation.

6 (i) First violation. A driver must be disqualified
7 from operating a commercial motor vehicle for not less
8 than 60 days if the driver is convicted of a violation
9 described in paragraph (1) of this subsection (j) and,
10 in the three-year period preceding the conviction, the
11 driver had no convictions for a violation described in
12 paragraph (1) of this subsection (j).

13 (ii) Second violation. A driver must be
14 disqualified from operating a commercial motor vehicle
15 for not less than 120 days if the driver is convicted
16 of a violation described in paragraph (1) of this
17 subsection (j) and, in the three-year period preceding
18 the conviction, the driver had one other conviction for
19 a violation described in paragraph (1) of this
20 subsection (j) that was committed in a separate
21 incident.

22 (iii) Third or subsequent violation. A driver must
23 be disqualified from operating a commercial motor
24 vehicle for not less than one year if the driver is
25 convicted of a violation described in paragraph (1) of
26 this subsection (j) and, in the three-year period

1 preceding the conviction, the driver had 2 or more
2 other convictions for violations described in
3 paragraph (1) of this subsection (j) that were
4 committed in separate incidents.

5 (k) Upon notification of a disqualification of a driver's
6 commercial motor vehicle privileges imposed by the U.S.
7 Department of Transportation, Federal Motor Carrier Safety
8 Administration, in accordance with 49 C.F.R. 383.52, the
9 Secretary of State shall immediately record to the driving
10 record the notice of disqualification and confirm to the driver
11 the action that has been taken.

12 (l) A foreign commercial driver is subject to
13 disqualification under this Section.

14 (Source: P.A. 97-333, eff. 8-12-11; 97-1150, eff. 1-25-13;
15 98-122, eff. 1-1-14; 98-722, eff. 7-16-14; 98-756, eff.
16 7-16-14.)

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

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

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

23 (1) Refusing to submit to or failure to complete a test
24 or tests to determine the driver's blood concentration of
25 alcohol, other drug, or both while driving a commercial

1 motor vehicle or, if the driver is a CLP or CDL holder,
2 while driving a non-CMV; or

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

26 (3) Conviction for a first violation of:

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

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

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

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

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

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

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

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

14 (4) (Blank).

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

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

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

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

1 shall be entered only if the convictions would result in the
2 suspension or revocation of the CLP or CDL holder's non-CMV
3 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 CLP or CDL,
11 the Secretary of State must update the driver's records to
12 reflect such action within 10 days. After suspending or
13 revoking the driving privilege of any person who has been
14 issued a CLP or CDL from another jurisdiction, the Secretary
15 shall originate notification to such issuing jurisdiction
16 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; 98-176, eff. 7-8-15 (see Section 10 of
24 P.A. 98-722 for the effective date of changes made by P.A.
25 98-176); 98-722, eff. 7-16-14; 98-756, eff. 7-16-14; 98-1172,
26 eff. 1-12-15.)

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

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

3 (a) Any person driving a commercial motor vehicle who is
4 requested by a police officer, pursuant to Section 6-516, to
5 submit to a chemical test or tests to determine the alcohol
6 concentration or any amount of a drug, substance, or compound
7 resulting from the unlawful use or consumption of cannabis
8 listed in the Cannabis Control Act, a controlled substance
9 listed in the Illinois Controlled Substances Act, an
10 intoxicating compound listed in the Use of Intoxicating
11 Compounds Act, or methamphetamine as listed in the
12 Methamphetamine Control and Community Protection Act in such
13 person's system, must be warned by the police officer
14 requesting the test or tests that a refusal to submit to the
15 test or tests will result in that person being immediately
16 placed out-of-service for a period of 24 hours and being
17 disqualified from operating a commercial motor vehicle for a
18 period of not less than 12 months; the person shall also be
19 warned that if such person submits to testing which discloses
20 an alcohol concentration of greater than 0.00 but less than
21 0.04 or any amount of a drug, substance, or compound in such
22 person's blood, other bodily substance, or urine resulting from
23 the unlawful use or consumption of cannabis listed in the
24 Cannabis Control Act, a controlled substance listed in the
25 Illinois Controlled Substances Act, an intoxicating compound

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

1 and disqualified for 12 months as provided in this UCDLA, the
2 results of such testing shall also be admissible in
3 prosecutions for violations of Section 11-501 of this Code, or
4 similar violations of local ordinances, however, such results
5 shall not be used to impose any driving sanctions pursuant to
6 Section 11-501.1 of this Code.

7 The person shall also be warned that any disqualification
8 imposed pursuant to this Section, shall be for life for any
9 such offense or refusal, or combination thereof; including a
10 conviction for violating Section 11-501 while driving a
11 commercial motor vehicle, or similar provisions of local
12 ordinances, committed a second time involving separate
13 incidents.

14 (b) If the person refuses or fails to complete testing, or
15 submits to a test which discloses an alcohol concentration of
16 at least 0.04, or any amount of a drug, substance, or compound
17 in such person's blood, other bodily substance, or urine
18 resulting from the unlawful use or consumption of cannabis
19 listed in the Cannabis Control Act, a controlled substance
20 listed in the Illinois Controlled Substances Act, an
21 intoxicating compound listed in the Use of Intoxicating
22 Compounds Act, or methamphetamine as listed in the
23 Methamphetamine Control and Community Protection Act, the law
24 enforcement officer must submit a Sworn Report to the Secretary
25 of State, in a form prescribed by the Secretary, certifying
26 that the test or tests was requested pursuant to paragraph (a);

1 that the person was warned, as provided in paragraph (a) and
2 that such person refused to submit to or failed to complete
3 testing, or submitted to a test which disclosed an alcohol
4 concentration of 0.04 or more, or any amount of a drug,
5 substance, or compound in such person's blood, other bodily
6 substance, or urine resulting from the unlawful use or
7 consumption of cannabis listed in the Cannabis Control Act, a
8 controlled substance listed in the Illinois Controlled
9 Substances Act, an intoxicating compound listed in the Use of
10 Intoxicating Compounds Act, or methamphetamine as listed in the
11 Methamphetamine Control and Community Protection Act.

12 (c) The police officer submitting the Sworn Report under
13 this Section shall serve notice of the CDL disqualification on
14 the person and such CDL disqualification shall be effective as
15 provided in paragraph (d). In cases where the blood alcohol
16 concentration of 0.04 or more, or any amount of a drug,
17 substance, or compound in such person's blood, other bodily
18 substance, or urine resulting from the unlawful use or
19 consumption of cannabis listed in the Cannabis Control Act, a
20 controlled substance listed in the Illinois Controlled
21 Substances Act, an intoxicating compound listed in the Use of
22 Intoxicating Compounds Act, or methamphetamine as listed in the
23 Methamphetamine Control and Community Protection Act, is
24 established by subsequent analysis of blood, other bodily
25 substance, or urine collected at the time of the request, the
26 police officer shall give notice as provided in this Section or

1 by deposit in the United States mail of such notice as provided
2 in this Section or by deposit in the United States mail of such
3 notice in an envelope with postage prepaid and addressed to
4 such person's domiciliary address as shown on the Sworn Report
5 and the CDL disqualification shall begin as provided in
6 paragraph (d).

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

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

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

21 (625 ILCS 5/11-401) (from Ch. 95 1/2, par. 11-401)

22 Sec. 11-401. Motor vehicle accidents involving death or
23 personal injuries.

24 (a) The driver of any vehicle involved in a motor vehicle
25 accident resulting in personal injury to or death of any person

1 shall immediately stop such vehicle at the scene of such
2 accident, or as close thereto as possible and shall then
3 forthwith return to, and in every event shall remain at the
4 scene of the accident until the requirements of Section 11-403
5 have been fulfilled. Every such stop shall be made without
6 obstructing traffic more than is necessary.

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

21 (b-1) Any person arrested for violating this Section is
22 subject to chemical testing of his or her blood, breath, other
23 bodily substance, or urine for the presence of alcohol, other
24 drug or drugs, intoxicating compound or compounds, or any
25 combination thereof, as provided in Section 11-501.1, if the
26 testing occurs within 12 hours of the time of the occurrence of

1 the accident that led to his or her arrest. The person's
2 driving privileges are subject to statutory summary suspension
3 under Section 11-501.1 if he or she fails testing or statutory
4 summary revocation under Section 11-501.1 if he or she refuses
5 to undergo the testing.

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

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

11 (d) Any person failing to comply with paragraph (b) is
12 guilty of a Class 2 felony if the motor vehicle accident does
13 not result in the death of any person. Any person failing to
14 comply with paragraph (b) when the accident results in the
15 death of any person is guilty of a Class 1 felony.

16 (e) The Secretary of State shall revoke the driving
17 privilege of any person convicted of a violation of this
18 Section.

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

20 (625 ILCS 5/11-500) (from Ch. 95 1/2, par. 11-500)

21 Sec. 11-500. Definitions. For the purposes of interpreting
22 Sections 6-206.1 and 6-208.1 of this Code, "first offender"
23 shall mean any person who has not had a previous conviction or
24 court assigned supervision for violating Section 11-501, or a
25 similar provision of a local ordinance, or a conviction in any

1 other state for a violation of driving while under the
2 influence or a similar offense where the cause of action is the
3 same or substantially similar to this Code or similar offenses
4 committed on a military installation, or any person who has not
5 had a driver's license suspension pursuant to paragraph 6 of
6 subsection (a) of Section 6-206 as the result of refusal of
7 chemical testing in another state, or any person who has not
8 had a driver's license suspension or revocation for violating
9 Section 11-501.1 within 5 years prior to the date of the
10 current offense, except in cases where the driver submitted to
11 chemical testing resulting in an alcohol concentration of 0.08
12 or more, or any amount of a drug, substance, or compound in
13 such person's blood, other bodily substance, or urine resulting
14 from the unlawful use or consumption of cannabis listed in the
15 Cannabis Control Act, a controlled substance listed in the
16 Illinois Controlled Substances Act, or 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 and was subsequently found not guilty
20 of violating Section 11-501, or a similar provision of a local
21 ordinance.

22 (Source: P.A. 95-355, eff. 1-1-08; 96-607, eff. 8-24-09;
23 96-1344, eff. 7-1-11.)

24 (625 ILCS 5/11-500.1)

25 Sec. 11-500.1. Immunity.

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

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

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

14 (625 ILCS 5/11-501) (from Ch. 95 1/2, par. 11-501)

15 Sec. 11-501. Driving while under the influence of alcohol,
16 other drug or drugs, intoxicating compound or compounds or any
17 combination thereof.

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

20 (1) the alcohol concentration in the person's blood,
21 other bodily substance, or breath is 0.08 or more based on
22 the definition of blood and breath units in Section
23 11-501.2;

24 (2) under the influence of alcohol;

25 (3) under the influence of any intoxicating compound or

1 combination of intoxicating compounds to a degree that
2 renders the person incapable of driving safely;

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

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

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

18 (7) the person has, within 2 hours of driving or being
19 in actual physical control of a vehicle, a
20 tetrahydrocannabinol concentration in the person's whole
21 blood or other bodily substance as defined in paragraph 6
22 of subsection (a) of Section 11-501.2 of this Code. Subject
23 to all other requirements and provisions under this
24 Section, this paragraph (7) ~~(6)~~ does not apply to the
25 lawful consumption of cannabis by a qualifying patient
26 licensed under the Compassionate Use of Medical Cannabis

1 Pilot Program Act who is in possession of a valid registry
2 card issued under that Act, unless that person is impaired
3 by the use of cannabis.

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

10 (c) Penalties.

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

14 (2) A person who violates subsection (a) or a similar
15 provision a second time shall be sentenced to a mandatory
16 minimum term of either 5 days of imprisonment or 240 hours
17 of community service in addition to any other criminal or
18 administrative sanction.

19 (3) A person who violates subsection (a) is subject to
20 6 months of imprisonment, an additional mandatory minimum
21 fine of \$1,000, and 25 days of community service in a
22 program benefiting children if the person was transporting
23 a person under the age of 16 at the time of the violation.

24 (4) A person who violates subsection (a) a first time,
25 if the alcohol concentration in his or her blood, breath,
26 other bodily substance, or urine was 0.16 or more based on

1 the definition of blood, breath, other bodily substance, or
2 urine units in Section 11-501.2, shall be subject, in
3 addition to any other penalty that may be imposed, to a
4 mandatory minimum of 100 hours of community service and a
5 mandatory minimum fine of \$500.

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

15 (d) Aggravated driving under the influence of alcohol,
16 other drug or drugs, or intoxicating compound or compounds, or
17 any combination thereof.

18 (1) Every person convicted of committing a violation of
19 this Section shall be guilty of aggravated driving under
20 the influence of alcohol, other drug or drugs, or
21 intoxicating compound or compounds, or any combination
22 thereof if:

23 (A) the person committed a violation of subsection
24 (a) or a similar provision for the third or subsequent
25 time;

26 (B) the person committed a violation of subsection

1 (a) while driving a school bus with one or more
2 passengers on board;

3 (C) the person in committing a violation of
4 subsection (a) was involved in a motor vehicle accident
5 that resulted in great bodily harm or permanent
6 disability or disfigurement to another, when the
7 violation was a proximate cause of the injuries;

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

19 (E) the person, in committing a violation of
20 subsection (a) while driving at any speed in a school
21 speed zone at a time when a speed limit of 20 miles per
22 hour was in effect under subsection (a) of Section
23 11-605 of this Code, was involved in a motor vehicle
24 accident that resulted in bodily harm, other than great
25 bodily harm or permanent disability or disfigurement,
26 to another person, when the violation of subsection (a)

1 was a proximate cause of the bodily harm;

2 (F) the person, in committing a violation of
3 subsection (a), was involved in a motor vehicle,
4 snowmobile, all-terrain vehicle, or watercraft
5 accident that resulted in the death of another person,
6 when the violation of subsection (a) was a proximate
7 cause of the death;

8 (G) the person committed a violation of subsection
9 (a) during a period in which the defendant's driving
10 privileges are revoked or suspended, where the
11 revocation or suspension was for a violation of
12 subsection (a) or a similar provision, Section
13 11-501.1, paragraph (b) of Section 11-401, or for
14 reckless homicide as defined in Section 9-3 of the
15 Criminal Code of 1961 or the Criminal Code of 2012;

16 (H) the person committed the violation while he or
17 she did not possess a driver's license or permit or a
18 restricted driving permit or a judicial driving permit
19 or a monitoring device driving permit;

20 (I) the person committed the violation while he or
21 she knew or should have known that the vehicle he or
22 she was driving was not covered by a liability
23 insurance policy;

24 (J) the person in committing a violation of
25 subsection (a) was involved in a motor vehicle accident
26 that resulted in bodily harm, but not great bodily

1 harm, to the child under the age of 16 being
2 transported by the person, if the violation was the
3 proximate cause of the injury;

4 (K) the person in committing a second violation of
5 subsection (a) or a similar provision was transporting
6 a person under the age of 16; or

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

10 (2) (A) Except as provided otherwise, a person
11 convicted of aggravated driving under the influence of
12 alcohol, other drug or drugs, or intoxicating compound or
13 compounds, or any combination thereof is guilty of a Class
14 4 felony.

15 (B) A third violation of this Section or a similar
16 provision is a Class 2 felony. If at the time of the third
17 violation the alcohol concentration in his or her blood,
18 breath, other bodily substance, or urine was 0.16 or more
19 based on the definition of blood, breath, other bodily
20 substance, or urine units in Section 11-501.2, a mandatory
21 minimum of 90 days of imprisonment and a mandatory minimum
22 fine of \$2,500 shall be imposed in addition to any other
23 criminal or administrative sanction. If at the time of the
24 third violation, the defendant was transporting a person
25 under the age of 16, a mandatory fine of \$25,000 and 25
26 days of community service in a program benefiting children

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

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

17 (D) A fifth violation of this Section or a similar
18 provision is a Class 1 felony, for which a sentence of
19 probation or conditional discharge may not be imposed. If
20 at the time of the violation, the alcohol concentration in
21 the defendant's blood, breath, other bodily substance, or
22 urine was 0.16 or more based on the definition of blood,
23 breath, other bodily substance, or urine units in Section
24 11-501.2, a mandatory minimum fine of \$5,000 shall be
25 imposed in addition to any other criminal or administrative
26 sanction. If at the time of the fifth violation, the

1 defendant was transporting a person under the age of 16, a
2 mandatory fine of \$25,000, and 25 days of community service
3 in a program benefiting children shall be imposed in
4 addition to any other criminal or administrative sanction.

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

18 (F) For a violation of subparagraph (C) of paragraph
19 (1) of this subsection (d), the defendant, if sentenced to
20 a term of imprisonment, shall be sentenced to not less than
21 one year nor more than 12 years.

22 (G) A violation of subparagraph (F) of paragraph (1) of
23 this subsection (d) is a Class 2 felony, for which the
24 defendant, unless the court determines that extraordinary
25 circumstances exist and require probation, shall be
26 sentenced to: (i) a term of imprisonment of not less than 3

1 years and not more than 14 years if the violation resulted
2 in the death of one person; or (ii) a term of imprisonment
3 of not less than 6 years and not more than 28 years if the
4 violation resulted in the deaths of 2 or more persons.

5 (H) For a violation of subparagraph (J) of paragraph
6 (1) of this subsection (d), a mandatory fine of \$2,500, and
7 25 days of community service in a program benefiting
8 children shall be imposed in addition to any other criminal
9 or administrative sanction.

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

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

25 (3) Any person sentenced under this subsection (d) who
26 receives a term of probation or conditional discharge must

1 serve a minimum term of either 480 hours of community
2 service or 10 days of imprisonment as a condition of the
3 probation or conditional discharge in addition to any other
4 criminal or administrative sanction.

5 (e) Any reference to a prior violation of subsection (a) or
6 a similar provision includes any violation of a provision of a
7 local ordinance or a provision of a law of another state or an
8 offense committed on a military installation that is similar to
9 a violation of subsection (a) of this Section.

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

13 (g) Any penalty imposed for driving with a license that has
14 been revoked for a previous violation of subsection (a) of this
15 Section shall be in addition to the penalty imposed for any
16 subsequent violation of subsection (a).

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

20 (Source: P.A. 97-1150, eff. 1-25-13; 98-122, eff. 1-1-14;
21 98-573, eff. 8-27-13; 98-756, eff. 7-16-14.)

22 (625 ILCS 5/11-501.1)

23 Sec. 11-501.1. Suspension of drivers license; statutory
24 summary alcohol, other drug or drugs, or intoxicating compound
25 or compounds related suspension or revocation; implied

1 consent.

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

1 and to request that the person submit to the test or tests set
2 forth in this Section. The requirements of this Section that
3 the person be arrested are inapplicable, but the officer shall
4 issue the person a Uniform Traffic Ticket for an offense as
5 defined in Section 11-501 or a similar provision of a local
6 ordinance prior to requesting that the person submit to the
7 test or tests. The issuance of the Uniform Traffic Ticket shall
8 not constitute an arrest, but shall be for the purpose of
9 notifying the person that he or she is subject to the
10 provisions of this Section and of the officer's belief of the
11 existence of probable cause to arrest. Upon returning to this
12 State, the officer shall file the Uniform Traffic Ticket with
13 the Circuit Clerk of the county where the offense was
14 committed, and shall seek the issuance of an arrest warrant or
15 a summons for the person.

16 (a-5) (Blank).

17 (b) Any person who is dead, unconscious, or who is
18 otherwise in a condition rendering the person incapable of
19 refusal, shall be deemed not to have withdrawn the consent
20 provided by paragraph (a) of this Section and the test or tests
21 may be administered, subject to the provisions of Section
22 11-501.2.

23 (c) A person requested to submit to a test as provided
24 above shall be warned by the law enforcement officer requesting
25 the test that a refusal to submit to the test will result in
26 the statutory summary suspension of the person's privilege to

1 operate a motor vehicle, as provided in Section 6-208.1 of this
2 Code, and will also result in the disqualification of the
3 person's privilege to operate a commercial motor vehicle, as
4 provided in Section 6-514 of this Code, if the person is a CDL
5 holder. The person shall also be warned that a refusal to
6 submit to the test, when the person was involved in a motor
7 vehicle accident that caused personal injury or death to
8 another, will result in the statutory summary revocation of the
9 person's privilege to operate a motor vehicle, as provided in
10 Section 6-208.1, and will also result in the disqualification
11 of the person's privilege to operate a commercial motor
12 vehicle, as provided in Section 6-514 of this Code, if the
13 person is a CDL holder. The person shall also be warned by the
14 law enforcement officer that if the person submits to the test
15 or tests provided in paragraph (a) of this Section and the
16 alcohol concentration in the person's blood, other bodily
17 substance, or breath is 0.08 or greater, or testing discloses
18 the presence of cannabis as listed in the Cannabis Control Act
19 with a tetrahydrocannabinol concentration as defined in
20 paragraph 6 of subsection (a) of Section 11-501.2 of this Code,
21 or any amount of a drug, substance, or compound resulting from
22 the unlawful use or consumption of ~~cannabis as covered by the~~
23 ~~Cannabis Control Act~~, a controlled substance listed in the
24 Illinois Controlled Substances Act, an intoxicating compound
25 listed in the Use of Intoxicating Compounds Act, or
26 methamphetamine as listed in the Methamphetamine Control and

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

22 A person who is under the age of 21 at the time the person
23 is requested to submit to a test as provided above shall, in
24 addition to the warnings provided for in this Section, be
25 further warned by the law enforcement officer requesting the
26 test that if the person submits to the test or tests provided

1 in paragraph (a) of this Section and the alcohol concentration
2 in the person's blood, other bodily substance, or breath is
3 greater than 0.00 and less than 0.08, a suspension of the
4 person's privilege to operate a motor vehicle, as provided
5 under Sections 6-208.2 and 11-501.8 of this Code, will be
6 imposed. The results of this test shall be admissible in a
7 civil or criminal action or proceeding arising from an arrest
8 for an offense as defined in Section 11-501 of this Code or a
9 similar provision of a local ordinance or pursuant to Section
10 11-501.4 in prosecutions for reckless homicide brought under
11 the Criminal Code of 1961 or the Criminal Code of 2012. These
12 test results, however, shall be admissible only in actions or
13 proceedings directly related to the incident upon which the
14 test request was made.

15 (d) If the person refuses testing or submits to a test that
16 discloses an alcohol concentration of 0.08 or more, or testing
17 discloses the presence of cannabis as listed in the Cannabis
18 Control Act with a tetrahydrocannabinol concentration as
19 defined in paragraph 6 of subsection (a) of Section 11-501.2 of
20 this Code, or any amount of a drug, substance, or intoxicating
21 compound in the person's breath, blood, other bodily substance,
22 or urine resulting from the unlawful use or consumption of
23 ~~cannabis listed in the Cannabis Control Act~~, a controlled
24 substance listed in the Illinois Controlled Substances Act, an
25 intoxicating compound listed in the Use of Intoxicating
26 Compounds Act, or methamphetamine as listed in the

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

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

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

22 If the person is a first offender as defined in Section
23 11-500 of this Code, and is not convicted of a violation of
24 Section 11-501 of this Code or a similar provision of a local
25 ordinance, then reports received by the Secretary of State
26 under this Section shall, except during the actual time the

1 Statutory Summary Suspension is in effect, be privileged
2 information and for use only by the courts, police officers,
3 prosecuting authorities or the Secretary of State, unless the
4 person is a CDL holder, is operating a commercial motor vehicle
5 or vehicle required to be placarded for hazardous materials, in
6 which case the suspension shall not be privileged. Reports
7 received by the Secretary of State under this Section shall
8 also be made available to the parent or guardian of a person
9 under the age of 18 years that holds an instruction permit or a
10 graduated driver's license, regardless of whether the
11 statutory summary suspension is in effect. A statutory summary
12 revocation shall not be privileged information.

13 (f) The law enforcement officer submitting the sworn report
14 under paragraph (d) shall serve immediate notice of the
15 statutory summary suspension or revocation on the person and
16 the suspension or revocation and disqualification shall be
17 effective as provided in paragraph (g).

18 (1) In cases involving a person who is not a CDL holder
19 where the blood alcohol concentration of 0.08 or greater or
20 any amount of a drug, substance, or compound resulting from
21 the unlawful use or consumption of ~~cannabis as covered by~~
22 ~~the Cannabis Control Act,~~ a controlled substance listed in
23 the Illinois Controlled Substances Act, an intoxicating
24 compound listed in the Use of Intoxicating Compounds Act,
25 or methamphetamine as listed in the Methamphetamine
26 Control and Community Protection Act is established by a

1 subsequent analysis of blood, other bodily substance, or
2 urine or analysis of whole blood or other bodily substance
3 establishes a tetrahydrocannabinol concentration as
4 defined in paragraph 6 of subsection (a) of Section
5 11-501.2 of this Code, collected at the time of arrest, the
6 arresting officer or arresting agency shall give notice as
7 provided in this Section or by deposit in the United States
8 mail of the notice in an envelope with postage prepaid and
9 addressed to the person at his or her address as shown on
10 the Uniform Traffic Ticket and the statutory summary
11 suspension ~~and disqualification~~ shall begin as provided in
12 paragraph (g).

13 (1.3) In cases involving a person who is a CDL holder
14 where the blood alcohol concentration of 0.08 or greater or
15 any amount of a drug, substance, or compound resulting from
16 the unlawful use or consumption of cannabis as covered by
17 the Cannabis Control Act, a controlled substance listed in
18 the Illinois Controlled Substances Act, an intoxicating
19 compound listed in the Use of Intoxicating Compounds Act,
20 or methamphetamine as listed in the Methamphetamine
21 Control and Community Protection Act is established by a
22 subsequent analysis of blood, other bodily substance, or
23 urine collected at the time of arrest, the arresting
24 officer or arresting agency shall give notice as provided
25 in this Section or by deposit in the United States mail of
26 the notice in an envelope with postage prepaid and

1 addressed to the person at his or her address as shown on
2 the Uniform Traffic Ticket and the statutory summary
3 suspension and disqualification shall begin as provided in
4 paragraph (g).

5 (1.5) The officer shall confiscate any Illinois
6 driver's license or permit on the person at the time of
7 arrest. If the person has a valid driver's license or
8 permit, the officer shall issue the person a receipt, in a
9 form prescribed by the Secretary of State, that will allow
10 that person to drive during the periods provided for in
11 paragraph (g). The officer shall immediately forward the
12 driver's license or permit to the circuit court of venue
13 along with the sworn report provided for in paragraph (d).

14 (2) (Blank).

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

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

22 Upon receipt of the sworn report from the law enforcement
23 officer, the Secretary of State shall confirm the statutory
24 summary suspension or revocation by mailing a notice of the
25 effective date of the suspension or revocation to the person
26 and the court of venue. The Secretary of State shall also mail

1 notice of the effective date of the disqualification to the
2 person. However, should the sworn report be defective by not
3 containing sufficient information or be completed in error, the
4 confirmation of the statutory summary suspension or revocation
5 shall not be mailed to the person or entered to the record;
6 instead, the sworn report shall be forwarded to the court of
7 venue with a copy returned to the issuing agency identifying
8 any defect.

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

16 (Source: P.A. 97-333, eff. 8-12-11; 97-471, eff. 8-22-11;
17 97-1150, eff. 1-25-13; 98-122, eff. 1-1-14; 98-1172, eff.
18 1-12-15.)

19 (625 ILCS 5/11-501.2) (from Ch. 95 1/2, par. 11-501.2)

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

21 (a) Upon the trial of any civil or criminal action or
22 proceeding arising out of an arrest for an offense as defined
23 in Section 11-501 or a similar local ordinance or proceedings
24 pursuant to Section 2-118.1, evidence of the concentration of
25 alcohol, other drug or drugs, or intoxicating compound or

1 compounds, or any combination thereof in a person's blood or
2 breath at the time alleged, as determined by analysis of the
3 person's blood, urine, breath, or other bodily substance, shall
4 be admissible. Where such test is made the following provisions
5 shall apply:

6 1. Chemical analyses 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 a licensed physician,
11 registered nurse, trained phlebotomist, licensed
12 paramedic, or other individual possessing a valid permit
13 issued by that Department for this purpose. The Director of
14 State Police is authorized to approve satisfactory
15 techniques or methods, to ascertain the qualifications and
16 competence of individuals to conduct such analyses, to
17 issue permits which shall be subject to termination or
18 revocation at the discretion of that Department and to
19 certify the accuracy of breath testing equipment. The
20 Department of State Police shall prescribe regulations as
21 necessary to implement this Section.

22 2. When a person in this State shall submit to a blood
23 test at the request of a law enforcement officer under the
24 provisions of Section 11-501.1, only a physician
25 authorized to practice medicine, a licensed physician
26 assistant, a licensed advanced practice nurse, a

1 registered nurse, trained phlebotomist, or licensed
2 paramedic, or other qualified person approved by the
3 Department of State Police may withdraw blood for the
4 purpose of determining the alcohol, drug, or alcohol and
5 drug content therein. This limitation shall not apply to
6 the taking of breath, other bodily substance, or urine
7 specimens.

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

20 3. The person tested may have a physician, or a
21 qualified technician, chemist, registered nurse, or other
22 qualified person of their own choosing administer a
23 chemical test or tests in addition to any administered at
24 the direction of a law enforcement officer. The failure or
25 inability to obtain an additional test by a person shall
26 not preclude the admission of evidence relating to the test

1 or tests taken at the direction of a law enforcement
2 officer.

3 4. Upon the request of the person who shall submit to a
4 chemical test or tests at the request of a law enforcement
5 officer, full information concerning the test or tests
6 shall be made available to the person or such person's
7 attorney.

8 5. Alcohol concentration shall mean either grams of
9 alcohol per 100 milliliters of blood or grams of alcohol
10 per 210 liters of breath.

11 6. Tetrahydrocannabinol concentration means either 15
12 nanograms or more of delta-9-tetrahydrocannabinol per
13 milliliter of whole blood or 25 nanograms or more of
14 delta-9-tetrahydrocannabinol per milliliter of other
15 bodily substance.

16 (a-5) Law enforcement officials may use standardized field
17 sobriety tests approved by the National Highway Traffic Safety
18 Administration when conducting investigations of a violation
19 of Section 11-501 or similar local ordinance by drivers
20 suspected of driving under the influence of cannabis. The
21 General Assembly finds that standardized field sobriety tests
22 approved by the National Highway Traffic Safety Administration
23 are divided attention tasks that are intended to determine if a
24 person is under the influence of cannabis. The purpose of these
25 tests is to determine the effect of the use of cannabis on a
26 person's capacity to think and act with ordinary care and

1 therefore operate a motor vehicle safely. Therefore, the
2 results of these standardized field sobriety tests,
3 appropriately administered, shall be admissible in the trial of
4 any civil or criminal action or proceeding arising out of an
5 arrest for a cannabis-related offense as defined in Section
6 11-501 or a similar local ordinance or proceedings under
7 Section 2-118.1 or 2-118.2. Where a test is made the following
8 provisions shall apply:

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

18 2. Upon the request of the person who shall submit to a
19 standardized field sobriety test or tests at the request of
20 a law enforcement officer, full information concerning the
21 test or tests shall be made available to the person or the
22 person's attorney.

23 3. At the trial of any civil or criminal action or
24 proceeding arising out of an arrest for an offense as
25 defined in Section 11-501 or a similar local ordinance or
26 proceedings under Section 2-118.1 or 2-118.2 in which the

1 results of these standardized field sobriety tests are
2 admitted, the cardholder may present and the trier of fact
3 may consider evidence that the card holder lacked the
4 physical capacity to perform the standardized field
5 sobriety tests.

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

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

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

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

26 4. The foregoing provisions of this Section shall not

1 be construed as limiting the introduction of any other
2 relevant evidence bearing upon the question whether the
3 person was under the influence of alcohol.

4 (b-5) Upon the trial of any civil or criminal action or
5 proceeding arising out of acts alleged to have been committed
6 by any person while driving or in actual physical control of a
7 vehicle while under the influence of alcohol, other drug or
8 drugs, intoxicating compound or compounds or any combination
9 thereof, the concentration of cannabis in the person's whole
10 blood or other bodily substance at the time alleged as shown by
11 analysis of the person's blood or other bodily substance shall
12 give rise to the following presumptions:

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

18 2. If there was at that time a tetrahydrocannabinol
19 concentration of less than 15 nanograms in whole blood or
20 less than 25 nanograms in an other bodily substance, such
21 facts shall not give rise to any presumption that the
22 person was or was not under the influence of cannabis, but
23 such fact may be considered with other competent evidence
24 in determining whether the person was under the influence
25 of cannabis.

26 (c) 1. If a person under arrest refuses to submit to a

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

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

21 This provision does not affect the applicability of or
22 imposition of driver's license sanctions under Section
23 11-501.1 of this Code.

24 3. For purposes of this Section, a personal injury includes
25 any Type A injury as indicated on the traffic accident report
26 completed by a law enforcement officer that requires immediate

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

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

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

21 (Source: P.A. 97-450, eff. 8-19-11; 97-471, eff. 8-22-11;
22 97-813, eff. 7-13-12; 98-122, eff. 1-1-14; 98-973, eff.
23 8-15-14; 98-1172, eff. 1-12-15.)

24 (625 ILCS 5/11-501.4) (from Ch. 95 1/2, par. 11-501.4)

25 Sec. 11-501.4. Admissibility of chemical tests of blood, l

1 other bodily substance, or urine conducted in the regular
2 course of providing emergency medical treatment.

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

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

20 (2) the chemical tests performed upon an individual's
21 blood, other bodily substance, or urine were performed by
22 the laboratory routinely used by the hospital; and

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

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

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

12 (625 ILCS 5/11-501.4-1)

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

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

1 substance, or urine tests are admissible in evidence as a
2 business record exception to the hearsay rule only in
3 prosecutions for any violation of Section 11-501 of this Code
4 or a similar provision of a local ordinance, or in prosecutions
5 for reckless homicide brought under the Criminal Code of 1961
6 or the Criminal Code of 2012.

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

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

19 (625 ILCS 5/11-501.6) (from Ch. 95 1/2, par. 11-501.6)

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

22 (a) Any person who drives or is in actual control of a
23 motor vehicle upon the public highways of this State and who
24 has been involved in a personal injury or fatal motor vehicle
25 accident, shall be deemed to have given consent to a breath

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

19 (b) Any person who is dead, unconscious or who is otherwise
20 in a condition rendering such person incapable of refusal shall
21 be deemed not to have withdrawn the consent provided by
22 subsection (a) of this Section. In addition, if a driver of a
23 vehicle is receiving medical treatment as a result of a motor
24 vehicle accident, any physician licensed to practice medicine,
25 licensed physician assistant, licensed advanced practice
26 nurse, registered nurse or a phlebotomist acting under the

1 direction of a licensed physician shall withdraw blood for
2 testing purposes to ascertain the presence of alcohol, other
3 drug or drugs, or intoxicating compound or compounds, upon the
4 specific request of a law enforcement officer. However, no such
5 testing shall be performed until, in the opinion of the medical
6 personnel on scene, the withdrawal can be made without
7 interfering with or endangering the well-being of the patient.

8 (c) A person requested to submit to a test as provided
9 above shall be warned by the law enforcement officer requesting
10 the test that a refusal to submit to the test, or submission to
11 the test resulting in an alcohol concentration of 0.08 or more,
12 or testing discloses the presence of cannabis as listed in the
13 Cannabis Control Act with a tetrahydrocannabinol concentration
14 as defined in paragraph 6 of subsection (a) of Section 11-501.2
15 of this Code, or any amount of a drug, substance, or
16 intoxicating compound resulting from the unlawful use or
17 consumption of ~~cannabis, as covered by the Cannabis Control~~
18 ~~Act,~~ a 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 as
22 detected in such person's blood, other bodily substance, or
23 urine, may result in the suspension of such person's privilege
24 to operate a motor vehicle. If the person is also a CDL holder,
25 he or she shall be warned by the law enforcement officer
26 requesting the test that a refusal to submit to the test, or

1 submission to the test resulting in an alcohol concentration of
2 0.08 or more, or any amount of a drug, substance, or
3 intoxicating compound resulting from the unlawful use or
4 consumption of cannabis, as covered by the Cannabis Control
5 Act, 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 as
9 detected in the person's blood, other bodily substance, or
10 urine, ~~and~~ may result in the disqualification of the person's
11 privilege to operate a commercial motor vehicle, as provided in
12 Section 6-514 of this Code, ~~if the person is a CDL holder~~. The
13 length of the suspension shall be the same as outlined in
14 Section 6-208.1 of this Code regarding statutory summary
15 suspensions.

16 (d) If the person refuses testing or submits to a test
17 which discloses an alcohol concentration of 0.08 or more, the
18 presence of cannabis as listed in the Cannabis Control Act with
19 a tetrahydrocannabinol concentration as defined in paragraph 6
20 of subsection (a) of Section 11-501.2 of this Code, or any
21 amount of a drug, substance, or intoxicating compound in such
22 person's blood, other bodily substance, or urine resulting from
23 the unlawful use or consumption of ~~cannabis listed in the~~
24 ~~Cannabis Control Act,~~ a controlled substance listed in the
25 Illinois Controlled Substances Act, an intoxicating compound
26 listed in the Use of Intoxicating Compounds Act, or

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

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

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

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

26 In cases involving a person who is not a CDL holder where

1 the blood alcohol concentration of 0.08 or more, or blood
2 testing discloses the presence of cannabis as listed in the
3 Cannabis Control Act with a tetrahydrocannabinol concentration
4 as defined in paragraph 6 of subsection (a) of Section 11-501.2
5 of this Code, or any amount of a drug, substance, or
6 intoxicating compound resulting from the unlawful use or
7 consumption of ~~cannabis as listed in the Cannabis Control Act,~~
8 a controlled substance listed in the Illinois Controlled
9 Substances Act, an intoxicating compound listed in the Use of
10 Intoxicating Compounds Act, or methamphetamine as listed in the
11 Methamphetamine Control and Community Protection Act, is
12 established by a subsequent analysis of blood, other bodily
13 substance, or urine collected at the time of arrest, the
14 arresting officer shall give notice as provided in this Section
15 or by deposit in the United States mail of such notice in an
16 envelope with postage prepaid and addressed to such person at
17 his or her address as shown on the Uniform Traffic Ticket and
18 the suspension ~~and disqualification~~ shall be effective on the
19 46th day following the date notice was given.

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

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

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

21 (e) A driver may contest this suspension of his or her
22 driving privileges and disqualification of his or her CDL
23 privileges by requesting an administrative hearing with the
24 Secretary in accordance with Section 2-118 of this Code. At the
25 conclusion of a hearing held under Section 2-118 of this Code,
26 the Secretary may rescind, continue, or modify the orders of

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

14 (f) (Blank).

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

22 (Source: P.A. 96-1344, eff. 7-1-11; 97-450, eff. 8-19-11;
23 97-835, eff. 7-20-12.)

24 (625 ILCS 5/11-501.8)

25 Sec. 11-501.8. Suspension of driver's license; persons

1 under age 21.

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

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

25 (i) Chemical analysis of the person's blood, urine,
26 breath, or other bodily substance, to be considered valid

1 under the provisions of this Section, shall have been
2 performed according to standards promulgated by the
3 Department of State Police by an individual possessing a
4 valid permit issued by that Department for this purpose.
5 The Director of State Police is authorized to approve
6 satisfactory techniques or methods, to ascertain the
7 qualifications and competence of individuals to conduct
8 analyses, to issue permits that shall be subject to
9 termination or revocation at the direction of that
10 Department, and to certify the accuracy of breath testing
11 equipment. The Department of State Police shall prescribe
12 regulations as necessary.

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

23 (iii) The person tested may have a physician, qualified
24 technician, chemist, registered nurse, or other qualified
25 person of his or her own choosing administer a chemical
26 test or tests in addition to any test or tests administered

1 at the direction of a law enforcement officer. The failure
2 or inability to obtain an additional test by a person shall
3 not preclude the consideration of the previously performed
4 chemical test.

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

10 (v) Alcohol concentration means either grams of
11 alcohol per 100 milliliters of blood or grams of alcohol
12 per 210 liters of breath.

13 (vi) If a driver is receiving medical treatment as a
14 result of a motor vehicle accident, a physician licensed to
15 practice medicine, licensed physician assistant, licensed
16 advanced practice nurse, registered nurse, or other
17 qualified person trained in venipuncture and acting under
18 the direction of a licensed physician shall withdraw blood
19 for testing purposes to ascertain the presence of alcohol
20 upon the specific request of a law enforcement officer.
21 However, that testing shall not be performed until, in the
22 opinion of the medical personnel on scene, the withdrawal
23 can be made without interfering with or endangering the
24 well-being of the patient.

25 (c) A person requested to submit to a test as provided
26 above shall be warned by the law enforcement officer requesting

1 the test that a refusal to submit to the test, or submission to
2 the test resulting in an alcohol concentration of more than
3 0.00, may result in the loss of that person's privilege to
4 operate a motor vehicle and may result in the disqualification
5 of the person's privilege to operate a commercial motor
6 vehicle, as provided in Section 6-514 of this Code, if the
7 person is a CDL holder. The loss of driving privileges shall be
8 imposed in accordance with Section 6-208.2 of this Code.

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

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

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

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

19 In cases where the blood alcohol concentration of more than
20 0.00 is established by a subsequent analysis of blood, other
21 bodily substance, or urine, the police officer or arresting
22 agency shall give notice as provided in this Section or by
23 deposit in the United States mail of that notice in an envelope
24 with postage prepaid and addressed to that person at his last
25 known address and the loss of driving privileges shall be
26 effective on the 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 driver by mailing a
4 notice of the effective date of the suspension and
5 disqualification to the individual. 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 driver may contest this suspension and
12 disqualification by requesting an administrative hearing with
13 the Secretary of State in accordance with Section 2-118 of this
14 Code. An individual whose blood alcohol concentration is shown
15 to be more than 0.00 is not subject to this Section if he or she
16 consumed alcohol in the performance of a religious service or
17 ceremony. An individual whose blood alcohol concentration is
18 shown to be more than 0.00 shall not be subject to this Section
19 if the individual's blood alcohol concentration resulted only
20 from ingestion of the prescribed or recommended dosage of
21 medicine that contained alcohol. The petition for that hearing
22 shall not stay or delay the effective date of the impending
23 suspension. The scope of this hearing shall be limited to the
24 issues of:

25 (1) whether the police officer had probable cause to
26 believe that the person was driving or in actual physical

1 control of a motor vehicle upon the public highways of the
2 State and the police officer had reason to believe that the
3 person was in violation of any provision of the Illinois
4 Vehicle Code or a similar provision of a local ordinance;
5 and

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

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

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

20 (5) whether the person, after being advised by the
21 officer that the privileges to operate a motor vehicle
22 would be suspended if the person submits to a chemical test
23 or tests and the test or tests disclose an alcohol
24 concentration of more than 0.00, did submit to and complete
25 the test or tests that determined an alcohol concentration
26 of more than 0.00; and

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

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

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

26 (f) The results of any chemical testing performed in

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

11 (g) This Section applies only to drivers who are under age
12 21 at the time of the issuance of a Uniform Traffic Ticket for
13 a violation of the Illinois Vehicle Code or a similar provision
14 of a local ordinance, and a chemical test request is made under
15 this Section.

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

24 (Source: P.A. 96-1080, eff. 7-16-10; 96-1344, eff. 7-1-11;
25 97-333, eff. 8-12-11; 97-450, eff. 8-19-11.)

1 (625 ILCS 5/11-507)

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

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

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

14 (2) under the influence of alcohol;

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

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

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

1 (5.3) the person who is not a CDL holder has, within 2
2 hours of accompanying or providing instruction, a
3 tetrahydrocannabinol concentration in the person's whole
4 blood or other bodily substance as defined in paragraph 6
5 of subsection (a) of Section 11-501.2 of this Code;

6 (5.5) the person who is a CDL holder has any amount of
7 a drug, substance, or 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
10 Cannabis Control Act; or

11 (6) there is any amount of a drug, substance, or
12 compound in the person's breath, blood, other bodily
13 substance, or urine resulting from the unlawful use or
14 consumption of ~~cannabis 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
17 of Intoxicating Compounds Act, or methamphetamine as
18 listed in the Methamphetamine Control and Community
19 Protection Act.

20 (b) A person found guilty of violating this Section is
21 guilty of an offense against the regulations governing the
22 movement of vehicles.

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

24 Section 25. The Snowmobile Registration and Safety Act is
25 amended by changing Sections 5-7, 5-7.1, 5-7.2, 5-7.4, and

1 5-7.6 as follows:

2 (625 ILCS 40/5-7)

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

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

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

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

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

18 3.1. The person is under the influence of any
19 intoxicating compound or combination of intoxicating
20 compounds to a degree that renders the person incapable of
21 safely operating a snowmobile;

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

1 (4.3) The person who is not a CDL holder has a
2 tetrahydrocannabinol concentration in the person's whole
3 blood or other bodily substance at which driving a motor
4 vehicle is prohibited under subdivision (7) of subsection
5 (a) of Section 11-501 of the Illinois Vehicle Code;

6 (4.5) The person who is a CDL holder has any amount of
7 a drug, substance, or 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
10 Cannabis Control Act; or

11 5. There is any amount of a drug, substance, or
12 compound in that person's breath, blood, other bodily
13 substance, or urine resulting from the unlawful use or
14 consumption of a cannabis listed in the Cannabis Control
15 ~~Act,~~ controlled substance listed in the Illinois
16 Controlled Substances Act, methamphetamine as listed in
17 the Methamphetamine Control and Community Protection Act,
18 or intoxicating compound listed in the use of Intoxicating
19 Compounds Act.

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

25 (c) Every person convicted of violating this Section or a
26 similar provision of a local ordinance is guilty of a Class A

1 misdemeanor, except as otherwise provided in this Section.

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

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

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

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

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

15 1. The person has a previous conviction under this
16 Section;

17 2. The offense results in personal injury where a
18 person other than the operator suffers great bodily harm or
19 permanent disability or disfigurement, when the violation
20 was a proximate cause of the injuries. A person guilty of a
21 Class 4 felony under this paragraph 2, if sentenced to a
22 term of imprisonment, shall be sentenced to not less than
23 one year nor more than 12 years; or

24 3. The offense occurred during a period in which the
25 person's privileges to operate a snowmobile are revoked or
26 suspended, and the revocation or suspension was for a

1 violation of this Section or was imposed under Section
2 5-7.1.

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

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

18 (e-2) Every person found guilty of violating this Section,
19 whose operation of a snowmobile while in violation of this
20 Section proximately caused any incident resulting in an
21 appropriate emergency response, shall be liable for the expense
22 of an emergency response as provided in subsection (i) of
23 Section 11-501.01 of the Illinois Vehicle Code.

24 (e-3) In addition to any other penalties and liabilities, a
25 person who is found guilty of violating this Section, including
26 any person placed on court supervision, shall be fined \$100,

1 payable to the circuit clerk, who shall distribute the money to
2 the law enforcement agency that made the arrest. In the event
3 that more than one agency is responsible for the arrest, the
4 \$100 shall be shared equally. Any moneys received by a law
5 enforcement agency under this subsection (e-3) shall be used to
6 purchase law enforcement equipment or to provide law
7 enforcement training that will assist in the prevention of
8 alcohol related criminal violence throughout the State. Law
9 enforcement equipment shall include, but is not limited to,
10 in-car video cameras, radar and laser speed detection devices,
11 and alcohol breath testers.

12 (f) In addition to any criminal penalties imposed, the
13 Department of Natural Resources shall suspend the snowmobile
14 operation privileges of a person convicted or found guilty of a
15 misdemeanor under this Section for a period of one year, except
16 that first-time offenders are exempt from this mandatory one
17 year suspension.

18 (g) In addition to any criminal penalties imposed, the
19 Department of Natural Resources shall suspend for a period of 5
20 years the snowmobile operation privileges of any person
21 convicted or found guilty of a felony under this Section.

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

23 (625 ILCS 40/5-7.1)

24 Sec. 5-7.1. Implied consent.

25 (a) A person who operates or is in actual physical control

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

13 (a-1) For the purposes of this Section, an Illinois law
14 enforcement officer of this State who is investigating the
15 person for any offense defined in Section 5-7 may travel into
16 an adjoining state, where the person has been transported for
17 medical care to complete an investigation and to request that
18 the person submit to the test or tests set forth in this
19 Section. The requirements of this Section that the person be
20 arrested are inapplicable, but the officer shall issue the
21 person a uniform citation for an offense as defined in Section
22 5-7 or a similar provision of a local ordinance prior to
23 requesting that the person submit to the test or tests. The
24 issuance of the uniform citation shall not constitute an
25 arrest, but shall be for the purpose of notifying the person
26 that he or she is subject to the provisions of this Section and

1 of the officer's belief of the existence of probable cause to
2 arrest. Upon returning to this State, the officer shall file
3 the uniform citation with the circuit clerk of the county where
4 the offense was committed and shall seek the issuance of an
5 arrest warrant or a summons for the person.

6 (a-2) Notwithstanding any ability to refuse under this Act
7 to submit to these tests or any ability to revoke the implied
8 consent to these tests, if a law enforcement officer has
9 probable cause to believe that a snowmobile operated by or
10 under actual physical control of a person under the influence
11 of alcohol, other drug or drugs, intoxicating compound or
12 compounds, or any combination of them has caused the death or
13 personal injury to another, that person shall submit, upon the
14 request of a law enforcement officer, to a chemical test or
15 tests of his or her blood, breath, other bodily substance, or
16 urine for the purpose of determining the alcohol content or the
17 presence of any other drug or combination of both. For the
18 purposes of this Section, a personal injury includes severe
19 bleeding wounds, distorted extremities, and injuries that
20 require the injured party to be carried from the scene for
21 immediate professional attention in either a doctor's office or
22 a medical facility.

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

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

6 (d) Following this warning, if a person under arrest
7 refuses upon the request of a law enforcement officer to submit
8 to a test designated by the officer, no tests may be given, but
9 the law enforcement officer shall file with the clerk of the
10 circuit court for the county in which the arrest was made, and
11 with the Department of Natural Resources, a sworn statement
12 naming the person refusing to take and complete the chemical
13 test or tests requested under the provisions of this Section.
14 The sworn statement shall identify the arrested person, the
15 person's current residence address and shall specify that a
16 refusal by that person to take the chemical test or tests was
17 made. The sworn statement shall include a statement that the
18 officer had reasonable cause to believe the person was
19 operating or was in actual physical control of the snowmobile
20 within this State while under the influence of alcohol, other
21 drug or drugs, an intoxicating compound or compound, or a
22 combination of them and that a chemical test or tests were
23 requested as an incident to and following the lawful arrest for
24 an offense as defined in Section 5-7 or a similar provision of
25 a local ordinance, and that the person, after being arrested
26 for an offense arising out of acts alleged to have been

1 committed while operating a snowmobile, refused to submit to
2 and complete a chemical test or tests as requested by the law
3 enforcement officer.

4 (e) The law enforcement officer submitting the sworn
5 statement shall serve immediate written notice upon the person
6 refusing the chemical test or tests that the person's privilege
7 to operate a snowmobile within this State will be suspended for
8 a period of 2 years unless, within 28 days from the date of the
9 notice, the person requests in writing a hearing on the
10 suspension.

11 If the person desires a hearing, the person shall file a
12 complaint in the circuit court in the county where that person
13 was arrested within 28 days from the date of the notice. The
14 hearing shall proceed in the court in the same manner as other
15 civil proceedings. The hearing shall cover only the following
16 issues: (1) whether the person was placed under arrest for an
17 offense as defined in Section 5-7 or a similar provision of a
18 local ordinance as evidenced by the issuance of a uniform
19 citation; (2) whether the arresting officer had reasonable
20 grounds to believe that the person was operating a snowmobile
21 while under the influence of alcohol, other drug or drugs, an
22 intoxicating compound or compounds, or a combination of them;
23 and (3) whether that person refused to submit to and complete
24 the chemical test or tests upon the request of the law
25 enforcement officer. Whether the person was informed that the
26 person's privilege to operate a snowmobile would be suspended

1 if that person refused to submit to the chemical test or tests
2 may not be an issue in the hearing.

3 If the person fails to request a hearing in writing within
4 28 days of the date of the notice, or if a hearing is held and
5 the court finds against the person on the issues before the
6 court, the clerk shall immediately notify the Department of
7 Natural Resources, and the Department shall suspend the
8 snowmobile operation privileges of that person for at least 2
9 years.

10 (f) (Blank).

11 (f-1) If the person is a CDL holder and submits to a test
12 that discloses an alcohol concentration of 0.08 or more, or any
13 amount of a drug, substance, or intoxicating compound in the
14 person's breath, blood, other bodily substance, or urine
15 resulting from the unlawful use of cannabis listed in the
16 Cannabis Control Act, a controlled substance listed in the
17 Illinois Controlled Substances Act, methamphetamine as listed
18 in the Methamphetamine Control and Community Protection Act, or
19 an intoxicating compound listed in the Use of Intoxicating
20 Compounds Act, the law enforcement officer shall immediately
21 submit a sworn report to the circuit clerk of venue and the
22 Department of Natural Resources, certifying that the test or
23 tests was or were requested under subsection (a-1) of this
24 Section and the person submitted to testing that disclosed an
25 alcohol concentration of 0.08 or more, or any amount of a drug,
26 substance, or intoxicating compound in the person's breath,

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

1 Code, or any amount of a drug, substance, or intoxicating
2 compound in such person's blood, other bodily substance, or
3 urine, resulting from the unlawful use or consumption of a
4 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.

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

1 arresting agency shall immediately submit a sworn report to the
2 circuit clerk of venue and the Department of Natural Resources
3 upon receipt of the test results.

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

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

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

11 (625 ILCS 40/5-7.2)

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

13 (a) Upon the trial of a civil or criminal action or
14 proceeding arising out of acts alleged to have been committed
15 while under the influence of alcohol, other drug or drugs,
16 intoxicating compound or compounds, or a combination of them,
17 the concentration of alcohol, drug, or compound in the person's
18 blood, other bodily substance, or breath at the time alleged as
19 shown by analysis of the person's blood, urine, breath, or
20 other bodily substance gives rise to the presumptions specified
21 in subdivisions 1, 2, and 3 of subsection (b) and subsection
22 (b-5) of Section 11-501.2 of the Illinois Vehicle Code.

23 (b) The provisions of subsection (a) shall not be construed
24 as limiting the introduction of any other relevant evidence
25 bearing upon the question whether the person was under the

1 influence of alcohol, other drug or drugs, intoxicating
2 compound or compounds, or a combination of them.

3 (c) If a person under arrest refuses to submit to a
4 chemical test under the provisions of Section 5-7.1, evidence
5 of refusal is admissible in a civil or criminal action or
6 proceeding arising out of acts alleged to have been committed
7 while the person under the influence of alcohol, other drug or
8 drugs, an intoxicating compound or compounds, or a combination
9 of them was operating a snowmobile.

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

11 (625 ILCS 40/5-7.4)

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

15 (a) Notwithstanding any other provision of law, the results
16 of blood, other bodily substance, or urine tests performed for
17 the purpose of determining the content of alcohol, other drug
18 or drugs, intoxicating compound or compounds, or any
19 combination of them in an individual's blood, other bodily
20 substance, or urine conducted upon persons receiving medical
21 treatment in a hospital emergency room, are admissible in
22 evidence as a business record exception to the hearsay rule
23 only in prosecutions for a violation of Section 5-7 of this Act
24 or a similar provision of a local ordinance or in prosecutions
25 for reckless homicide brought under the Criminal Code of 1961

1 or the Criminal Code of 2012.

2 The results of the tests are admissible only when each of
3 the following criteria are met:

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

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

11 3. (Blank).

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

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

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

1 (625 ILCS 40/5-7.6)

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

5 (a) Notwithstanding any other provision of law, the results
6 of blood, other bodily substance, or urine tests performed for
7 the purpose of determining the content of alcohol, other drug
8 or drugs, intoxicating compound or compounds, or any
9 combination of them in an individual's blood, other bodily
10 substance, or urine, conducted upon persons receiving medical
11 treatment in a hospital emergency room for injuries resulting
12 from a snowmobile accident, shall be disclosed to the
13 Department of Natural Resources, or local law enforcement
14 agencies of jurisdiction, upon request. The blood, other bodily
15 substance, or urine tests are admissible in evidence as a
16 business record exception to the hearsay rule only in
17 prosecutions for violations of Section 5-7 of this Code or a
18 similar provision of a local ordinance, or in prosecutions for
19 reckless homicide brought under the Criminal Code of 1961 or
20 the Criminal Code of 2012.

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

1 disclosure or reporting of the tests or the evidentiary use of
2 an individual's blood, other bodily substance, or urine test
3 results under this Section or Section 5-7.4 or as a result of
4 that person's testimony made available under this Section or
5 Section 5-7.4, except for willful or wanton misconduct.

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

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

10 (625 ILCS 45/5-16)

11 Sec. 5-16. Operating a watercraft under the influence of
12 alcohol, other drug or drugs, intoxicating compound or
13 compounds, or combination thereof.

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

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

21 (b) Under the influence of alcohol;

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

1 (c-1) Under the influence of any intoxicating
2 compound or combination of intoxicating compounds to a
3 degree that renders the person incapable of safely
4 operating any watercraft;

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

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

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

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

1 the Use of Intoxicating Compounds Act.

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

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

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

12 (a) He or she has a previous conviction under this
13 Section;

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

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

1 5. Every person convicted of violating this Section
2 shall be guilty of a Class 2 felony if the offense results
3 in the death of a person. A person guilty of a Class 2
4 felony under this paragraph 5, if sentenced to a term of
5 imprisonment, shall be sentenced to a term of not less than
6 3 years and not more than 14 years.

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

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

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

1 that made the arrest. In the event that more than one
2 agency is responsible for the arrest, the \$100 shall be
3 shared equally. Any moneys received by a law enforcement
4 agency under this paragraph 5.3 shall be used to purchase
5 law enforcement equipment or to provide law enforcement
6 training that will assist in the prevention of alcohol
7 related criminal violence throughout the State. Law
8 enforcement equipment shall include, but is not limited to,
9 in-car video cameras, radar and laser speed detection
10 devices, and alcohol breath testers.

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

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

26 (b) In addition to any criminal penalties imposed,

1 the Department of Natural Resources shall suspend the
2 watercraft operation privileges of any person
3 convicted of a felony under this Section, a similar
4 provision of a local ordinance, or Title 46 of the U.S.
5 Code of Federal Regulations for a period of 3 years.

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

21 1.1. For the purposes of this Section, an Illinois Law
22 Enforcement officer of this State who is investigating the
23 person for any offense defined in Section 5-16 may travel
24 into an adjoining state, where the person has been
25 transported for medical care to complete an investigation,
26 and may request that the person submit to the test or tests

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

15 1.2. Notwithstanding any ability to refuse under this
16 Act to submit to these tests or any ability to revoke the
17 implied consent to these tests, if a law enforcement
18 officer has probable cause to believe that a watercraft
19 operated by or under actual physical control of a person
20 under the influence of alcohol, other drug or drugs,
21 intoxicating compound or compounds, or any combination of
22 them has caused the death of or personal injury to another,
23 that person shall submit, upon the request of a law
24 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 or the presence

1 of any other drug, intoxicating compound, or combination of
2 them. For the purposes of this Section, a personal injury
3 includes severe bleeding wounds, distorted extremities,
4 and injuries that require the injured party to be carried
5 from the scene for immediate professional attention in
6 either a doctor's office or a medical facility.

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

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

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

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

23 If the person desires a hearing, such person shall file
24 a complaint in the circuit court for and in the county in
25 which such person was arrested for such hearing. Such
26 hearing shall proceed in the court in the same manner as

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

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

22 3.2. If the person is a CDL holder and submits to a
23 test that discloses an alcohol concentration of 0.08 or
24 more, or any amount of a drug, substance or intoxicating
25 compound in the person's breath, blood, other bodily
26 substance, or urine resulting from the unlawful use of

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

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

22 In cases involving a person who is a CDL holder where
23 the blood alcohol concentration of 0.08 or greater or any
24 amount of drug, substance or compound resulting from the
25 unlawful use of cannabis, a controlled substance,
26 methamphetamine, or an intoxicating compound is

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

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

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

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

17 (D) If a person under arrest refuses to submit to a
18 chemical test under the provisions of this Section, evidence of
19 refusal shall be admissible in any civil or criminal action or
20 proceeding arising out of acts alleged to have been committed
21 while the person under the influence of alcohol, other drug or
22 drugs, intoxicating compound or compounds, or combination of
23 them was operating a watercraft.

24 (E) The owner of any watercraft or any person given
25 supervisory authority over a watercraft, may not knowingly
26 permit a watercraft to be operated by any person under the

1 influence of alcohol, other drug or drugs, intoxicating
2 compound or compounds, or combination thereof.

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

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

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

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

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

20 (a) Notwithstanding any other provision of law, the written
21 results of blood, other bodily substance, or urine alcohol and
22 drug tests conducted upon persons receiving medical treatment
23 in a hospital emergency room are admissible in evidence as a
24 business record exception to the hearsay rule only in
25 prosecutions for any violation of Section 5-16 of this Act or a

1 similar provision of a local ordinance or in prosecutions for
2 reckless homicide brought under the Criminal Code of 1961 or
3 the Criminal Code of 2012, when:

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

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

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

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

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

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

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

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

1 individual's blood, other bodily substance, or urine test
2 results under this Section or Section 5-16a, or as a result of
3 that person's testimony made available under this Section or
4 Section 5-16a, except for willful or wanton misconduct.

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

6 (625 ILCS 45/5-16c)

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

9 (a) Any person who operates or is in actual physical
10 control of a motorboat within this State and who has been
11 involved in a personal injury or fatal boating accident shall
12 be deemed to have given consent to a breath test using a
13 portable device as approved by the Department of State Police
14 or to a chemical test or tests of blood, breath, other bodily
15 substance, or urine for the purpose of determining the content
16 of alcohol, other drug or drugs, or intoxicating compound or
17 compounds of the person's blood if arrested as evidenced by the
18 issuance of a uniform citation for a violation of the Boat
19 Registration and Safety Act or a similar provision of a local
20 ordinance, with the exception of equipment violations
21 contained in Article IV of this Act or similar provisions of
22 local ordinances. 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. Up to 2 additional tests

1 of A urine or other bodily substance test may be administered
2 even after a blood or breath test or both has been
3 administered. Compliance with this Section does not relieve the
4 person from the requirements of any other Section of this Act.

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

21 (c) A person who is a CDL holder requested to submit to a
22 test under subsection (a) of this Section shall be warned by
23 the law enforcement officer requesting the test that a refusal
24 to submit to the test, or submission to the test resulting in
25 an alcohol concentration of 0.08 or more, or any amount of a
26 drug, substance, or intoxicating compound resulting from the

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

1 privilege to operate a motor vehicle, if the person is a CDL
2 holder. The length of the suspension shall be the same as
3 outlined in Section 6-208.1 of the Illinois Vehicle Code
4 regarding statutory summary suspensions.

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

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

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

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

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

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

21 Upon receipt of the sworn report of a law enforcement
22 officer, the Secretary of State shall also give notice of the
23 suspension and disqualification to the person by mailing a
24 notice of the effective date of the suspension and
25 disqualification to the person. However, should the sworn
26 report be defective by not containing sufficient information or

1 be completed in error, the notice of the suspension and
2 disqualification shall not be mailed to the person or entered
3 to the driving record, but rather the sworn report shall be
4 returned to the issuing law enforcement agency.

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

25 (f) For the purposes of this Section, a personal injury
26 shall include any type A injury as indicated on the accident

1 report completed by a law enforcement officer that requires
2 immediate professional attention in a doctor's office or a
3 medical facility. A type A injury shall include severely
4 bleeding wounds, distorted extremities, and injuries that
5 require the injured party to be carried from the scene.

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

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

9 (705 ILCS 405/5-125)

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

16 (1) any detention, must be in compliance with this Article;
17 and

18 (2) the confidentiality of records provisions in Part 9 of
19 this Article shall apply to any law enforcement and court
20 records relating to prosecution of a minor under 18 years of
21 age for a municipal or county ordinance violation or a
22 violation of subsection (a) of Section 4 of the Cannabis
23 Control Act or subsection (c) of Section 3.5 of the Drug
24 Paraphernalia Control Act; except that these confidentiality

1 provisions shall not apply to or affect any proceeding to
2 adjudicate the violation.

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

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

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

11 (720 ILCS 550/4) (from Ch. 56 1/2, par. 704)

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

14 (a) not more than 15 ~~2.5~~ grams of any substance
15 containing cannabis is guilty of a civil law violation
16 punishable by a minimum fine of \$55 and a maximum fine of
17 \$125. The proceeds of the fine shall be payable to the
18 clerk of the circuit court who shall deposit the moneys
19 from the fine into a special fund in the county treasury.
20 Within 30 days after the deposit of the fine into the
21 special fund, the county treasurer shall distribute the
22 proceeds of the fine as follows:

23 (1) \$10 of the fine to the circuit clerk and \$10 of
24 the fine to the law enforcement agency that issued the

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

7 (2) \$15 to the county to fund drug addiction
8 services;

9 (3) \$10 to the Office of the State's Attorneys
10 Appellate Prosecutor for use in training programs;

11 (4) \$10 to the State's Attorney; and

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

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

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

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

6 (d) more than 100 ~~30~~ grams but not more than 500 grams
7 of any substance containing cannabis is guilty of a Class 4
8 felony; provided that if any offense under this subsection
9 (d) is a subsequent offense, the offender shall be guilty
10 of a Class 3 felony;

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

14 (f) more than 2,000 grams but not more than 5,000 grams
15 of any substance containing cannabis is guilty of a Class 2
16 felony;

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

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

20 (720 ILCS 550/5.3 new)

21 Sec. 5.3. Unlawful use of cannabis-based product
22 manufacturing equipment.

23 (a) A person commits unlawful use of cannabis-based product
24 manufacturing equipment when he or she knowingly engages in the
25 possession, procurement, transportation, storage, or delivery

1 of any equipment used in the manufacturing of any
2 cannabis-based product using volatile or explosive gas,
3 including, but not limited to, canisters of butane gas, with
4 the intent to manufacture, compound, covert, produce, derive,
5 process, or prepare either directly or indirectly any
6 cannabis-based product.

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

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

14 (720 ILCS 550/17.5 new)

15 Sec. 17.5. Local ordinances.

16 The provisions of any ordinance enacted by any municipality
17 or unit of local government which imposes a fine upon cannabis
18 other than as defined in this Act are not invalidated or
19 affected by this Act.

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

22 (720 ILCS 600/3.5)

23 Sec. 3.5. Possession of drug paraphernalia.

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

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

16 (c) If a person violates subsection (a) of Section 4 of the
17 Cannabis Control Act, the penalty for possession of any drug
18 paraphernalia seized during the violation for that offense
19 shall be a civil law violation punishable by a minimum fine of
20 \$55 and a maximum fine of \$125. The proceeds of the fine shall
21 be payable to the clerk of the circuit court who shall deposit
22 the moneys from the fine into a special fund in the county
23 treasury. Within 30 days after the deposit of the fine into the
24 special fund, the county treasurer shall distribute the
25 proceeds of the fine as follows:

26 (1) \$10 of the fine to the circuit clerk and \$10 of the

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

8 (2) \$15 to the county to fund drug addiction services;

9 (3) \$10 to the Office of the State's Attorneys
10 Appellate Prosecutor for use in training programs;

11 (4) \$10 to the State's Attorney; and

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

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

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

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

1 (725 ILCS 5/115-15)

2 Sec. 115-15. Laboratory reports.

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

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

1 laboratory.

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

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

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

14 (725 ILCS 5/115-23 new)

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

20 (1) a properly administered field test; or

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

24 Section 55. The Unified Code of Corrections is amended by

1 changing Section 5-9-1.9 as follows:

2 (730 ILCS 5/5-9-1.9)

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

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

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

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

24 (c) In addition to any other disposition made under the
25 provisions of the Juvenile Court Act of 1987, any minor

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

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

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

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

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

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

24 (f) The analysis fee provided for in subsections (b) and
25 (c) of this Section shall be forwarded to the office of the
26 treasurer of the unit of local government that performed the

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

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

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

25 (2) Purchase and maintenance of equipment for use in
26 performing analyses.

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

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

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

13 Section 95. No acceleration or delay. Where this Act makes
14 changes in a statute that is represented in this Act by text
15 that is not yet or no longer in effect (for example, a Section
16 represented by multiple versions), the use of that text does
17 not accelerate or delay the taking effect of (i) the changes
18 made by this Act or (ii) provisions derived from any other
19 Public Act.