

HB5963



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB5963

by Rep. Barbara Wheeler

SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-303

from Ch. 95 1/2, par. 6-303

Amends the Illinois Vehicle Code. Requires a minimum term of imprisonment of 10 consecutive days if a person is convicted of driving on a revoked or suspended license for driving under the influence or a statutory summary suspension, while there is any amount of alcohol or illegal drug in his or her breath, blood, or urine.

LRB099 20121 AXK 44556 b

A BILL FOR

1 AN ACT concerning transportation.

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

4 Section 5. The Illinois Vehicle Code is amended by changing
5 Section 6-303 as follows:

6 (625 ILCS 5/6-303) (from Ch. 95 1/2, par. 6-303)

7 Sec. 6-303. Driving while driver's license, permit or
8 privilege to operate a motor vehicle is suspended or revoked.

9 (a) Except as otherwise provided in subsection (a-5), any
10 person who drives or is in actual physical control of a motor
11 vehicle on any highway of this State at a time when such
12 person's driver's license, permit or privilege to do so or the
13 privilege to obtain a driver's license or permit is revoked or
14 suspended as provided by this Code or the law of another state,
15 except as may be specifically allowed by a judicial driving
16 permit issued prior to January 1, 2009, monitoring device
17 driving permit, family financial responsibility driving
18 permit, probationary license to drive, or a restricted driving
19 permit issued pursuant to this Code or under the law of another
20 state, shall be guilty of a Class A misdemeanor.

21 (a-3) A second or subsequent violation of subsection (a) of
22 this Section is a Class 4 felony if committed by a person whose
23 driving or operation of a motor vehicle is the proximate cause

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

9 (a-5) Any person who violates this Section as provided in
10 subsection (a) while his or her driver's license, permit or
11 privilege is revoked because of a violation of Section 9-3 of
12 the Criminal Code of 1961 or the Criminal Code of 2012,
13 relating to the offense of reckless homicide or a similar
14 provision of a law of another state, is guilty of a Class 4
15 felony. The person shall be required to undergo a professional
16 evaluation, as provided in Section 11-501 of this Code, to
17 determine if an alcohol, drug, or intoxicating compound problem
18 exists and the extent of the problem, and to undergo the
19 imposition of treatment as appropriate.

20 (a-10) A person's driver's license, permit, or privilege to
21 obtain a driver's license or permit may be subject to multiple
22 revocations, multiple suspensions, or any combination of both
23 simultaneously. No revocation or suspension shall serve to
24 negate, invalidate, cancel, postpone, or in any way lessen the
25 effect of any other revocation or suspension entered prior or
26 subsequent to any other revocation or suspension.

1 (b) (Blank).

2 (b-1) Upon receiving a report of the conviction of any
3 violation indicating a person was operating a motor vehicle
4 during the time when the person's driver's license, permit or
5 privilege was suspended by the Secretary of State or the
6 driver's licensing administrator of another state, except as
7 specifically allowed by a probationary license, judicial
8 driving permit, restricted driving permit or monitoring device
9 driving permit the Secretary shall extend the suspension for
10 the same period of time as the originally imposed suspension
11 unless the suspension has already expired, in which case the
12 Secretary shall be authorized to suspend the person's driving
13 privileges for the same period of time as the originally
14 imposed suspension.

15 (b-2) Except as provided in subsection (b-6), upon
16 receiving a report of the conviction of any violation
17 indicating a person was operating a motor vehicle when the
18 person's driver's license, permit or privilege was revoked by
19 the Secretary of State or the driver's license administrator of
20 any other state, except as specifically allowed by a restricted
21 driving permit issued pursuant to this Code or the law of
22 another state, the Secretary shall not issue a driver's license
23 for an additional period of one year from the date of such
24 conviction indicating such person was operating a vehicle
25 during such period of revocation.

26 (b-3) (Blank).

1 (b-4) When the Secretary of State receives a report of a
2 conviction of any violation indicating a person was operating a
3 motor vehicle that was not equipped with an ignition interlock
4 device during a time when the person was prohibited from
5 operating a motor vehicle not equipped with such a device, the
6 Secretary shall not issue a driver's license to that person for
7 an additional period of one year from the date of the
8 conviction.

9 (b-5) Any person convicted of violating this Section shall
10 serve a minimum term of imprisonment of 30 consecutive days or
11 300 hours of community service when the person's driving
12 privilege was revoked or suspended as a result of a violation
13 of Section 9-3 of the Criminal Code of 1961 or the Criminal
14 Code of 2012, relating to the offense of reckless homicide, or
15 a similar provision of a law of another state.

16 (b-6) Upon receiving a report of a first conviction of
17 operating a motor vehicle while the person's driver's license,
18 permit or privilege was revoked where the revocation was for a
19 violation of Section 9-3 of the Criminal Code of 1961 or the
20 Criminal Code of 2012 relating to the offense of reckless
21 homicide or a similar out-of-state offense, the Secretary shall
22 not issue a driver's license for an additional period of three
23 years from the date of such conviction.

24 (c) Except as provided in subsections (c-3) and (c-4), any
25 person convicted of violating this Section shall serve a
26 minimum term of imprisonment of 10 consecutive days or 30 days

1 of community service when the person's driving privilege was
2 revoked or suspended as a result of:

3 (1) a violation of Section 11-501 of this Code or a
4 similar provision of a local ordinance relating to the
5 offense of operating or being in physical control of a
6 vehicle while under the influence of alcohol, any other
7 drug or any combination thereof; or

8 (2) a violation of paragraph (b) of Section 11-401 of
9 this Code or a similar provision of a local ordinance
10 relating to the offense of leaving the scene of a motor
11 vehicle accident involving personal injury or death; or

12 (3) a statutory summary suspension or revocation under
13 Section 11-501.1 of this Code.

14 However, a person under paragraph (1) or (3) of this
15 subsection (c) is not eligible for the community service and
16 must be sentenced to the term of imprisonment provided in this
17 subsection, if at the time of the violation there was any
18 amount of alcohol or illegal drug in his or her breath, blood,
19 or urine.

20 The ~~Such~~ sentence of imprisonment or community service
21 shall not be subject to suspension in order to reduce the ~~such~~
22 sentence.

23 (c-1) Except as provided in subsections (c-5) and (d), any
24 person convicted of a second violation of this Section shall be
25 ordered by the court to serve a minimum of 100 hours of
26 community service.

1 (c-2) In addition to other penalties imposed under this
2 Section, the court may impose on any person convicted a fourth
3 time of violating this Section any of the following:

4 (1) Seizure of the license plates of the person's
5 vehicle.

6 (2) Immobilization of the person's vehicle for a period
7 of time to be determined by the court.

8 (c-3) Any person convicted of a violation of this Section
9 during a period of summary suspension imposed pursuant to
10 Section 11-501.1 when the person was eligible for a MDDP shall
11 be guilty of a Class 4 felony and shall serve a minimum term of
12 imprisonment of 30 days.

13 (c-4) Any person who has been issued a MDDP or a restricted
14 driving permit which requires the person to operate only motor
15 vehicles equipped with an ignition interlock device and who is
16 convicted of a violation of this Section as a result of
17 operating or being in actual physical control of a motor
18 vehicle not equipped with an ignition interlock device at the
19 time of the offense shall be guilty of a Class 4 felony and
20 shall serve a minimum term of imprisonment of 30 days.

21 (c-5) Any person convicted of a second violation of this
22 Section is guilty of a Class 2 felony, is not eligible for
23 probation or conditional discharge, and shall serve a mandatory
24 term of imprisonment, if:

25 (1) the current violation occurred when the person's
26 driver's license was suspended or revoked for a violation

1 of Section 9-3 of the Criminal Code of 1961 or the Criminal
2 Code of 2012, relating to the offense of reckless homicide,
3 or a similar out-of-state offense; and

4 (2) the prior conviction under this Section occurred
5 while the person's driver's license was suspended or
6 revoked for a violation of Section 9-3 of the Criminal Code
7 of 1961 or the Criminal Code of 2012 relating to the
8 offense of reckless homicide, or a similar out-of-state
9 offense, or was suspended or revoked for a violation of
10 Section 11-401 or 11-501 of this Code, a similar
11 out-of-state offense, a similar provision of a local
12 ordinance, or a statutory summary suspension or revocation
13 under Section 11-501.1 of this Code.

14 (d) Any person convicted of a second violation of this
15 Section shall be guilty of a Class 4 felony and shall serve a
16 minimum term of imprisonment of 30 days or 300 hours of
17 community service, as determined by the court, if:

18 (1) the current violation occurred when the person's
19 driver's license was suspended or revoked for a violation
20 of Section 11-401 or 11-501 of this Code, a similar
21 out-of-state offense, a similar provision of a local
22 ordinance, or a statutory summary suspension or revocation
23 under Section 11-501.1 of this Code; and

24 (2) the prior conviction under this Section occurred
25 while the person's driver's license was suspended or
26 revoked for a violation of Section 11-401 or 11-501 of this

1 Code, a similar out-of-state offense, a similar provision
2 of a local ordinance, or a statutory summary suspension or
3 revocation under Section 11-501.1 of this Code, or for a
4 violation of Section 9-3 of the Criminal Code of 1961 or
5 the Criminal Code of 2012, relating to the offense of
6 reckless homicide, or a similar out-of-state offense.

7 (d-1) Except as provided in subsections (d-2), (d-2.5), and
8 (d-3), any person convicted of a third or subsequent violation
9 of this Section shall serve a minimum term of imprisonment of
10 30 days or 300 hours of community service, as determined by the
11 court.

12 (d-2) Any person convicted of a third violation of this
13 Section is guilty of a Class 4 felony and must serve a minimum
14 term of imprisonment of 30 days, if:

15 (1) the current violation occurred when the person's
16 driver's license was suspended or revoked for a violation
17 of Section 11-401 or 11-501 of this Code, or a similar
18 out-of-state offense, or a similar provision of a local
19 ordinance, or a statutory summary suspension or revocation
20 under Section 11-501.1 of this Code; and

21 (2) the prior convictions under this Section occurred
22 while the person's driver's license was suspended or
23 revoked for a violation of Section 11-401 or 11-501 of this
24 Code, a similar out-of-state offense, a similar provision
25 of a local ordinance, or a statutory summary suspension or
26 revocation under Section 11-501.1 of this Code, or for a

1 violation of Section 9-3 of the Criminal Code of 1961 or
2 the Criminal Code of 2012, relating to the offense of
3 reckless homicide, or a similar out-of-state offense.

4 (d-2.5) Any person convicted of a third violation of this
5 Section is guilty of a Class 1 felony, is not eligible for
6 probation or conditional discharge, and must serve a mandatory
7 term of imprisonment, if:

8 (1) the current violation occurred while the person's
9 driver's license was suspended or revoked for a violation
10 of Section 9-3 of the Criminal Code of 1961 or the Criminal
11 Code of 2012, relating to the offense of reckless homicide,
12 or a similar out-of-state offense. The person's driving
13 privileges shall be revoked for the remainder of the
14 person's life; and

15 (2) the prior convictions under this Section occurred
16 while the person's driver's license was suspended or
17 revoked for a violation of Section 9-3 of the Criminal Code
18 of 1961 or the Criminal Code of 2012, relating to the
19 offense of reckless homicide, or a similar out-of-state
20 offense, or was suspended or revoked for a violation of
21 Section 11-401 or 11-501 of this Code, a similar
22 out-of-state offense, a similar provision of a local
23 ordinance, or a statutory summary suspension or revocation
24 under Section 11-501.1 of this Code.

25 (d-3) Any person convicted of a fourth, fifth, sixth,
26 seventh, eighth, or ninth violation of this Section is guilty

1 of a Class 4 felony and must serve a minimum term of
2 imprisonment of 180 days, if:

3 (1) the current violation occurred when the person's
4 driver's license was suspended or revoked for a violation
5 of Section 11-401 or 11-501 of this Code, a similar
6 out-of-state offense, a similar provision of a local
7 ordinance, or a statutory summary suspension or revocation
8 under Section 11-501.1 of this Code; and

9 (2) the prior convictions under this Section occurred
10 while the person's driver's license was suspended or
11 revoked for a violation of Section 11-401 or 11-501 of this
12 Code, a similar out-of-state offense, a similar provision
13 of a local ordinance, or a statutory summary suspension or
14 revocation under Section 11-501.1 of this Code, or for a
15 violation of Section 9-3 of the Criminal Code of 1961 or
16 the Criminal Code of 2012, relating to the offense of
17 reckless homicide, or a similar out-of-state offense.

18 (d-3.5) Any person convicted of a fourth or subsequent
19 violation of this Section is guilty of a Class 1 felony, is not
20 eligible for probation or conditional discharge, and must serve
21 a mandatory term of imprisonment, and is eligible for an
22 extended term, if:

23 (1) the current violation occurred when the person's
24 driver's license was suspended or revoked for a violation
25 of Section 9-3 of the Criminal Code of 1961 or the Criminal
26 Code of 2012, relating to the offense of reckless homicide,

1 or a similar out-of-state offense; and

2 (2) the prior convictions under this Section occurred
3 while the person's driver's license was suspended or
4 revoked for a violation of Section 9-3 of the Criminal Code
5 of 1961 or the Criminal Code of 2012, relating to the
6 offense of reckless homicide, or a similar out-of-state
7 offense, or was suspended or revoked for a violation of
8 Section 11-401 or 11-501 of this Code, a similar
9 out-of-state offense, a similar provision of a local
10 ordinance, or a statutory summary suspension or revocation
11 under Section 11-501.1 of this Code.

12 (d-4) Any person convicted of a tenth, eleventh, twelfth,
13 thirteenth, or fourteenth violation of this Section is guilty
14 of a Class 3 felony, and is not eligible for probation or
15 conditional discharge, if:

16 (1) the current violation occurred when the person's
17 driver's license was suspended or revoked for a violation
18 of Section 11-401 or 11-501 of this Code, or a similar
19 out-of-state offense, or a similar provision of a local
20 ordinance, or a statutory summary suspension or revocation
21 under Section 11-501.1 of this Code; and

22 (2) the prior convictions under this Section occurred
23 while the person's driver's license was suspended or
24 revoked for a violation of Section 11-401 or 11-501 of this
25 Code, a similar out-of-state offense, a similar provision
26 of a local ordinance, or a statutory suspension or

1 revocation under Section 11-501.1 of this Code, or for a
2 violation of Section 9-3 of the Criminal Code of 1961 or
3 the Criminal Code of 2012, relating to the offense of
4 reckless homicide, or a similar out-of-state offense.

5 (d-5) Any person convicted of a fifteenth or subsequent
6 violation of this Section is guilty of a Class 2 felony, and is
7 not eligible for probation or conditional discharge, if:

8 (1) the current violation occurred when the person's
9 driver's license was suspended or revoked for a violation
10 of Section 11-401 or 11-501 of this Code, or a similar
11 out-of-state offense, or a similar provision of a local
12 ordinance, or a statutory summary suspension or revocation
13 under Section 11-501.1 of this Code; and

14 (2) the prior convictions under this Section occurred
15 while the person's driver's license was suspended or
16 revoked for a violation of Section 11-401 or 11-501 of this
17 Code, a similar out-of-state offense, a similar provision
18 of a local ordinance, or a statutory summary suspension or
19 revocation under Section 11-501.1 of this Code, or for a
20 violation of Section 9-3 of the Criminal Code of 1961 or
21 the Criminal Code of 2012, relating to the offense of
22 reckless homicide, or a similar out-of-state offense.

23 (e) Any person in violation of this Section who is also in
24 violation of Section 7-601 of this Code relating to mandatory
25 insurance requirements, in addition to other penalties imposed
26 under this Section, shall have his or her motor vehicle

1 immediately impounded by the arresting law enforcement
2 officer. The motor vehicle may be released to any licensed
3 driver upon a showing of proof of insurance for the vehicle
4 that was impounded and the notarized written consent for the
5 release by the vehicle owner.

6 (f) For any prosecution under this Section, a certified
7 copy of the driving abstract of the defendant shall be admitted
8 as proof of any prior conviction.

9 (g) The motor vehicle used in a violation of this Section
10 is subject to seizure and forfeiture as provided in Sections
11 36-1 and 36-2 of the Criminal Code of 2012 if the person's
12 driving privilege was revoked or suspended as a result of:

13 (1) a violation of Section 11-501 of this Code, a
14 similar provision of a local ordinance, or a similar
15 provision of a law of another state;

16 (2) a violation of paragraph (b) of Section 11-401 of
17 this Code, a similar provision of a local ordinance, or a
18 similar provision of a law of another state;

19 (3) a statutory summary suspension or revocation under
20 Section 11-501.1 of this Code or a similar provision of a
21 law of another state; or

22 (4) a violation of Section 9-3 of the Criminal Code of
23 1961 or the Criminal Code of 2012 relating to the offense
24 of reckless homicide, or a similar provision of a law of
25 another state.

26 (Source: P.A. 98-285, eff. 1-1-14; 98-418, eff. 8-16-13;

1 98-573, eff. 8-27-13; 98-756, eff. 7-16-14; 99-290, eff.
2 1-1-16.)