

1 AN ACT in relation to vehicles.

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

20 (b) The Secretary of State upon receiving a report of
21 the conviction of any violation indicating a person was
22 operating a motor vehicle during the time when said person's
23 driver's license, permit or privilege was suspended by the
24 Secretary, by the appropriate authority of another state, or
25 pursuant to Section 11-501.1; except as may be specifically
26 allowed by a probationary license to drive, judicial driving
27 permit or restricted driving permit issued pursuant to this
28 Code or the law of another state; shall extend the suspension
29 for the same period of time as the originally imposed
30 suspension; however, if the period of suspension has then
31 expired, the Secretary shall be authorized to suspend said

1 person's driving privileges for the same period of time as
2 the originally imposed suspension; and if the conviction was
3 upon a charge which indicated that a vehicle was operated
4 during the time when the person's driver's license, permit or
5 privilege was revoked; except as may be allowed by a
6 restricted driving permit issued pursuant to this Code or the
7 law of another state; the Secretary shall not issue a
8 driver's license for an additional period of one year from
9 the date of such conviction indicating such person was
10 operating a vehicle during such period of revocation.

11 (c) Any person convicted of violating this Section shall
12 serve a minimum term of imprisonment of 10 consecutive days
13 or 30 days of community service when the person's driving
14 privilege was revoked or suspended as a result of:

15 (1) a violation of Section 11-501 of this Code or a
16 similar provision of a local ordinance relating to the
17 offense of operating or being in physical control of a
18 vehicle while under the influence of alcohol, any other
19 drug or any combination thereof; or

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

24 (3) a violation of Section 9-3 of the Criminal Code
25 of 1961, as amended, relating to the offense of reckless
26 homicide; or

27 (4) a statutory summary suspension under Section
28 11-501.1 of this Code.

29 Such sentence of imprisonment or community service shall
30 not be subject to suspension in order to reduce such
31 sentence.

32 (c-1) Except as provided in subsection (d), any person
33 convicted of a second violation of this Section shall be
34 ordered by the court to serve a minimum of 100 hours of

1 community service.

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

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

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

9 (d) Any person convicted of a second violation of this
10 Section shall be guilty of a Class 4 felony and shall serve a
11 minimum term of imprisonment of 30 days or 300 hours of
12 community service, as determined by the court, if the
13 revocation or suspension was for a violation of Section
14 11-401 or 11-501 of this Code, or a similar out-of-state
15 offense, or a similar provision of a local ordinance, a
16 violation of Section 9-3 of the Criminal Code of 1961,
17 relating to the offense of reckless homicide, or a similar
18 out-of-state offense, or a statutory summary suspension under
19 Section 11-501.1 of this Code.

20 (d-1) Except as provided in subsection (d-2) and
21 subsection (d-3), any person convicted of a third or
22 subsequent violation of this Section shall serve a minimum
23 term of imprisonment of 30 days or 300 hours of community
24 service, as determined by the court.

25 (d-2) Any person convicted of a third violation of this
26 Section is guilty of a Class 4 felony and must serve a
27 minimum term of imprisonment of 30 days if the revocation or
28 suspension was for a violation of Section 11-401 or 11-501 of
29 this Code, or a similar out-of-state offense, or a similar
30 provision of a local ordinance, a violation of Section 9-3 of
31 the Criminal Code of 1961, relating to the offense of
32 reckless homicide, or a similar out-of-state offense, or a
33 statutory summary suspension under Section 11-501.1 of this
34 Code.

1 (d-3) Any person convicted of a fourth or subsequent
2 violation of this Section is guilty of a Class 4 felony and
3 must serve a minimum term of imprisonment of 180 days if the
4 revocation or suspension was for a violation of Section
5 11-401 or 11-501 of this Code, or a similar out-of-state
6 offense, or a similar provision of a local ordinance, a
7 violation of Section 9-3 of the Criminal Code of 1961,
8 relating to the offense of reckless homicide, or a similar
9 out-of-state offense, or a statutory summary suspension under
10 Section 11-501.1 of this Code.

11 (e) Any person in violation of this Section who is also
12 in violation of Section 7-601 of this Code relating to
13 mandatory insurance requirements, in addition to other
14 penalties imposed under this Section, shall have his or her
15 motor vehicle immediately impounded by the arresting law
16 enforcement officer. The motor vehicle may be released to any
17 licensed driver upon a showing of proof of insurance for the
18 vehicle that was impounded and the notarized written consent
19 for the release by the vehicle owner.

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

23 (g) The motor vehicle used in a violation of this
24 Section is subject to seizure and forfeiture as provided in
25 Sections 36-1 and 36-2 of the Criminal Code of 1961 if the
26 person's driving privilege was revoked or suspended as a
27 result of a violation listed in paragraph (1), (2), or (3) of
28 subsection (c) of this Section or as a result of a summary
29 suspension as provided in paragraph (4) of subsection (c) of
30 this Section.

31 (Source: P.A. 91-692, eff. 4-13-00; 92-340, eff. 8-10-01.)

32 Section 10. The Criminal Code of 1961 is amended by
33 changing Section 36-1 as follows:

1 (720 ILCS 5/36-1) (from Ch. 38, par. 36-1)
2 Sec. 36-1. Seizure. Any vessel, vehicle or aircraft
3 used with the knowledge and consent of the owner in the
4 commission of, or in the attempt to commit as defined in
5 Section 8-4 of this Code, an offense prohibited by (a)
6 Section 9-1, 9-3, 10-2, 11-6, 11-15.1, 11-19.1, 11-19.2,
7 11-20.1, 12-4.1, 12-4.2, 12-4.2-5, 12-4.3, 12-4.6, 12-7.3,
8 12-7.4, 12-13, 12-14, 18-2, 19-1, 19-2, 19-3, 20-1, 20-2,
9 20.5-6, 24-1.2, 24-1.2-5, 24-1.5, or 28-1 of this Code,
10 paragraph (a) of Section 12-4 of this Code, paragraph (a) of
11 Section 12-15 or paragraphs (a), (c) or (d) of Section 12-16
12 of this Code, or paragraph (a)(6) or (a)(7) of Section 24-1
13 of this Code; (b) Section 21, 22, 23, 24 or 26 of the
14 Cigarette Tax Act if the vessel, vehicle or aircraft contains
15 more than 10 cartons of such cigarettes; (c) Section 28, 29
16 or 30 of the Cigarette Use Tax Act if the vessel, vehicle or
17 aircraft contains more than 10 cartons of such cigarettes;
18 (d) Section 44 of the Environmental Protection Act; (e)
19 11-204.1 of the Illinois Vehicle Code; ~~or~~ (f) the offenses
20 described in the following provisions of the Illinois Vehicle
21 Code: Section 11-501 subdivisions (c-1)(1), (c-1)(2),
22 (c-1)(3), (d)(1)(A), or (d)(1)(D); or (g) an offense
23 described in subsection (g) of Section 6-303 of the Illinois
24 Vehicle Code; may be seized and delivered forthwith to the
25 sheriff of the county of seizure.

26 Within 15 days after such delivery the sheriff shall give
27 notice of seizure to each person according to the following
28 method: Upon each such person whose right, title or interest
29 is of record in the office of the Secretary of State, the
30 Secretary of Transportation, the Administrator of the Federal
31 Aviation Agency, or any other Department of this State, or
32 any other state of the United States if such vessel, vehicle
33 or aircraft is required to be so registered, as the case may
34 be, by mailing a copy of the notice by certified mail to the

1 address as given upon the records of the Secretary of State,
2 the Department of Aeronautics, Department of Public Works and
3 Buildings or any other Department of this State or the United
4 States if such vessel, vehicle or aircraft is required to be
5 so registered. Within that 15 day period the sheriff shall
6 also notify the State's Attorney of the county of seizure
7 about the seizure.

8 In addition, any mobile or portable equipment used in the
9 commission of an act which is in violation of Section 7g of
10 the Metropolitan Water Reclamation District Act shall be
11 subject to seizure and forfeiture under the same procedures
12 provided in this Article for the seizure and forfeiture of
13 vessels, vehicles and aircraft, and any such equipment shall
14 be deemed a vessel, vehicle or aircraft for purposes of this
15 Article.

16 When a person discharges a firearm at another individual
17 from a vehicle with the knowledge and consent of the owner of
18 the vehicle and with the intent to cause death or great
19 bodily harm to that individual and as a result causes death
20 or great bodily harm to that individual, the vehicle shall be
21 subject to seizure and forfeiture under the same procedures
22 provided in this Article for the seizure and forfeiture of
23 vehicles used in violations of clauses (a), (b), (c), or (d)
24 of this Section.

25 If the spouse of the owner of a vehicle seized for an
26 offense described in subsection (g) of Section 6-303 of the
27 Illinois Vehicle Code, a violation of subdivision (c-1)(1),
28 (c-1)(2), (c-1)(3), (d)(1)(A), or (d)(1)(D) of Section 11-501
29 of the Illinois Vehicle Code, or Section 9-3 of this Code
30 makes a showing that the seized vehicle is the only source of
31 transportation and it is determined that the financial
32 hardship to the family as a result of the seizure outweighs
33 the benefit to the State from the seizure, the vehicle may be
34 forfeited to the spouse or family member and the title to the

1 vehicle shall be transferred to the spouse or family member
2 who is properly licensed and who requires the use of the
3 vehicle for employment or family transportation purposes. A
4 written declaration of forfeiture of a vehicle under this
5 Section shall be sufficient cause for the title to be
6 transferred to the spouse or family member. The provisions
7 of this paragraph shall apply only to one forfeiture per
8 vehicle. If the vehicle is the subject of a subsequent
9 forfeiture proceeding by virtue of a subsequent conviction of
10 either spouse or the family member, the spouse or family
11 member to whom the vehicle was forfeited under the first
12 forfeiture proceeding may not utilize the provisions of this
13 paragraph in another forfeiture proceeding. If the owner of
14 the vehicle seized owns more than one vehicle, the procedure
15 set out in this paragraph may be used for only one vehicle.

16 Property declared contraband under Section 40 of the
17 Illinois Streetgang Terrorism Omnibus Prevention Act may be
18 seized and forfeited under this Article.

19 (Source: P.A. 91-876, eff. 1-1-01; 92-57, eff. 1-1-02.)

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.