

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 State Finance Act is amended by adding
5 Sections 5.675 and 5.676 as follows:

6 (30 ILCS 105/5.675 new)

7 Sec. 5.675. The Indigent BAIID Fund.

8 (30 ILCS 105/5.676 new)

9 Sec. 5.676. The Monitoring Device Driving Permit
10 Administration Fee Fund.

11 Section 10. The Illinois Vehicle Code is amended by
12 changing Sections 6-206, 6-206.1, 6-208.1, 6-303, and 11-501
13 and by adding Section 1-144.5 as follows:

14 (625 ILCS 5/1-144.5 new)

15 Sec. 1-144.5. Monitoring device driving permit. A permit
16 that allows a person whose driver's license has been summarily
17 suspended under Section 11-501.1 to drive a vehicle, for the
18 applicable period described in Section 6-206.1, if the vehicle
19 is equipped with an ignition interlock device as defined in
20 Section 1-129.1.

1 (625 ILCS 5/6-206) (from Ch. 95 1/2, par. 6-206)

2 Sec. 6-206. Discretionary authority to suspend or revoke
3 license or permit; Right to a hearing.

4 (a) The Secretary of State is authorized to suspend or
5 revoke the driving privileges of any person without preliminary
6 hearing upon a showing of the person's records or other
7 sufficient evidence that the person:

8 1. Has committed an offense for which mandatory
9 revocation of a driver's license or permit is required upon
10 conviction;

11 2. Has been convicted of not less than 3 offenses
12 against traffic regulations governing the movement of
13 vehicles committed within any 12 month period. No
14 revocation or suspension shall be entered more than 6
15 months after the date of last conviction;

16 3. Has been repeatedly involved as a driver in motor
17 vehicle collisions or has been repeatedly convicted of
18 offenses against laws and ordinances regulating the
19 movement of traffic, to a degree that indicates lack of
20 ability to exercise ordinary and reasonable care in the
21 safe operation of a motor vehicle or disrespect for the
22 traffic laws and the safety of other persons upon the
23 highway;

24 4. Has by the unlawful operation of a motor vehicle
25 caused or contributed to an accident resulting in death or

1 injury requiring immediate professional treatment in a
2 medical facility or doctor's office to any person, except
3 that any suspension or revocation imposed by the Secretary
4 of State under the provisions of this subsection shall
5 start no later than 6 months after being convicted of
6 violating a law or ordinance regulating the movement of
7 traffic, which violation is related to the accident, or
8 shall start not more than one year after the date of the
9 accident, whichever date occurs later;

10 5. Has permitted an unlawful or fraudulent use of a
11 driver's license, identification card, or permit;

12 6. Has been lawfully convicted of an offense or
13 offenses in another state, including the authorization
14 contained in Section 6-203.1, which if committed within
15 this State would be grounds for suspension or revocation;

16 7. Has refused or failed to submit to an examination
17 provided for by Section 6-207 or has failed to pass the
18 examination;

19 8. Is ineligible for a driver's license or permit under
20 the provisions of Section 6-103;

21 9. Has made a false statement or knowingly concealed a
22 material fact or has used false information or
23 identification in any application for a license,
24 identification card, or permit;

25 10. Has possessed, displayed, or attempted to
26 fraudulently use any license, identification card, or

1 permit not issued to the person;

2 11. Has operated a motor vehicle upon a highway of this
3 State when the person's driving privilege or privilege to
4 obtain a driver's license or permit was revoked or
5 suspended unless the operation was authorized by a
6 monitoring device driving permit, judicial driving permit
7 issued prior to the effective date of this amendatory Act
8 of the 95th General Assembly, probationary license to
9 drive, or a restricted driving permit issued under this
10 Code;

11 12. Has submitted to any portion of the application
12 process for another person or has obtained the services of
13 another person to submit to any portion of the application
14 process for the purpose of obtaining a license,
15 identification card, or permit for some other person;

16 13. Has operated a motor vehicle upon a highway of this
17 State when the person's driver's license or permit was
18 invalid under the provisions of Sections 6-107.1 and 6-110;

19 14. Has committed a violation of Section 6-301,
20 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B
21 of the Illinois Identification Card Act;

22 15. Has been convicted of violating Section 21-2 of the
23 Criminal Code of 1961 relating to criminal trespass to
24 vehicles in which case, the suspension shall be for one
25 year;

26 16. Has been convicted of violating Section 11-204 of

1 this Code relating to fleeing from a peace officer;

2 17. Has refused to submit to a test, or tests, as
3 required under Section 11-501.1 of this Code and the person
4 has not sought a hearing as provided for in Section
5 11-501.1;

6 18. Has, since issuance of a driver's license or
7 permit, been adjudged to be afflicted with or suffering
8 from any mental disability or disease;

9 19. Has committed a violation of paragraph (a) or (b)
10 of Section 6-101 relating to driving without a driver's
11 license;

12 20. Has been convicted of violating Section 6-104
13 relating to classification of driver's license;

14 21. Has been convicted of violating Section 11-402 of
15 this Code relating to leaving the scene of an accident
16 resulting in damage to a vehicle in excess of \$1,000, in
17 which case the suspension shall be for one year;

18 22. Has used a motor vehicle in violating paragraph
19 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
20 the Criminal Code of 1961 relating to unlawful use of
21 weapons, in which case the suspension shall be for one
22 year;

23 23. Has, as a driver, been convicted of committing a
24 violation of paragraph (a) of Section 11-502 of this Code
25 for a second or subsequent time within one year of a
26 similar violation;

1 24. Has been convicted by a court-martial or punished
2 by non-judicial punishment by military authorities of the
3 United States at a military installation in Illinois of or
4 for a traffic related offense that is the same as or
5 similar to an offense specified under Section 6-205 or
6 6-206 of this Code;

7 25. Has permitted any form of identification to be used
8 by another in the application process in order to obtain or
9 attempt to obtain a license, identification card, or
10 permit;

11 26. Has altered or attempted to alter a license or has
12 possessed an altered license, identification card, or
13 permit;

14 27. Has violated Section 6-16 of the Liquor Control Act
15 of 1934;

16 28. Has been convicted of the illegal possession, while
17 operating or in actual physical control, as a driver, of a
18 motor vehicle, of any controlled substance prohibited
19 under the Illinois Controlled Substances Act, any cannabis
20 prohibited under the Cannabis Control Act, or any
21 methamphetamine prohibited under the Methamphetamine
22 Control and Community Protection Act, in which case the
23 person's driving privileges shall be suspended for one
24 year, and any driver who is convicted of a second or
25 subsequent offense, within 5 years of a previous
26 conviction, for the illegal possession, while operating or

1 in actual physical control, as a driver, of a motor
2 vehicle, of any controlled substance prohibited under the
3 Illinois Controlled Substances Act, any cannabis
4 prohibited under the Cannabis Control Act, or any
5 methamphetamine prohibited under the Methamphetamine
6 Control and Community Protection Act shall be suspended for
7 5 years. Any defendant found guilty of this offense while
8 operating a motor vehicle, shall have an entry made in the
9 court record by the presiding judge that this offense did
10 occur while the defendant was operating a motor vehicle and
11 order the clerk of the court to report the violation to the
12 Secretary of State;

13 29. Has been convicted of the following offenses that
14 were committed while the person was operating or in actual
15 physical control, as a driver, of a motor vehicle: criminal
16 sexual assault, predatory criminal sexual assault of a
17 child, aggravated criminal sexual assault, criminal sexual
18 abuse, aggravated criminal sexual abuse, juvenile pimping,
19 soliciting for a juvenile prostitute and the manufacture,
20 sale or delivery of controlled substances or instruments
21 used for illegal drug use or abuse in which case the
22 driver's driving privileges shall be suspended for one
23 year;

24 30. Has been convicted a second or subsequent time for
25 any combination of the offenses named in paragraph 29 of
26 this subsection, in which case the person's driving

1 privileges shall be suspended for 5 years;

2 31. Has refused to submit to a test as required by
3 Section 11-501.6 or has submitted to a test resulting in an
4 alcohol concentration of 0.08 or more or any amount of a
5 drug, substance, or compound resulting from the unlawful
6 use or consumption of cannabis as listed in the Cannabis
7 Control Act, a controlled substance as listed in the
8 Illinois Controlled Substances Act, or an intoxicating
9 compound as listed in the Use of Intoxicating Compounds
10 Act, in which case the penalty shall be as prescribed in
11 Section 6-208.1;

12 32. Has been convicted of Section 24-1.2 of the
13 Criminal Code of 1961 relating to the aggravated discharge
14 of a firearm if the offender was located in a motor vehicle
15 at the time the firearm was discharged, in which case the
16 suspension shall be for 3 years;

17 33. Has as a driver, who was less than 21 years of age
18 on the date of the offense, been convicted a first time of
19 a violation of paragraph (a) of Section 11-502 of this Code
20 or a similar provision of a local ordinance;

21 34. Has committed a violation of Section 11-1301.5 of
22 this Code;

23 35. Has committed a violation of Section 11-1301.6 of
24 this Code;

25 36. Is under the age of 21 years at the time of arrest
26 and has been convicted of not less than 2 offenses against

1 traffic regulations governing the movement of vehicles
2 committed within any 24 month period. No revocation or
3 suspension shall be entered more than 6 months after the
4 date of last conviction;

5 37. Has committed a violation of subsection (c) of
6 Section 11-907 of this Code;

7 38. Has been convicted of a violation of Section 6-20
8 of the Liquor Control Act of 1934 or a similar provision of
9 a local ordinance;

10 39. Has committed a second or subsequent violation of
11 Section 11-1201 of this Code;

12 40. Has committed a violation of subsection (a-1) of
13 Section 11-908 of this Code;

14 41. Has committed a second or subsequent violation of
15 Section 11-605.1 of this Code within 2 years of the date of
16 the previous violation, in which case the suspension shall
17 be for 90 days; or

18 42. Has committed a violation of subsection (a-1) of
19 Section 11-1301.3 of this Code.

20 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,
21 and 27 of this subsection, license means any driver's license,
22 any traffic ticket issued when the person's driver's license is
23 deposited in lieu of bail, a suspension notice issued by the
24 Secretary of State, a duplicate or corrected driver's license,
25 a probationary driver's license or a temporary driver's
26 license.

1 (b) If any conviction forming the basis of a suspension or
2 revocation authorized under this Section is appealed, the
3 Secretary of State may rescind or withhold the entry of the
4 order of suspension or revocation, as the case may be, provided
5 that a certified copy of a stay order of a court is filed with
6 the Secretary of State. If the conviction is affirmed on
7 appeal, the date of the conviction shall relate back to the
8 time the original judgment of conviction was entered and the 6
9 month limitation prescribed shall not apply.

10 (c) 1. Upon suspending or revoking the driver's license or
11 permit of any person as authorized in this Section, the
12 Secretary of State shall immediately notify the person in
13 writing of the revocation or suspension. The notice to be
14 deposited in the United States mail, postage prepaid, to
15 the last known address of the person.

16 2. If the Secretary of State suspends the driver's
17 license of a person under subsection 2 of paragraph (a) of
18 this Section, a person's privilege to operate a vehicle as
19 an occupation shall not be suspended, provided an affidavit
20 is properly completed, the appropriate fee received, and a
21 permit issued prior to the effective date of the
22 suspension, unless 5 offenses were committed, at least 2 of
23 which occurred while operating a commercial vehicle in
24 connection with the driver's regular occupation. All other
25 driving privileges shall be suspended by the Secretary of
26 State. Any driver prior to operating a vehicle for

1 occupational purposes only must submit the affidavit on
2 forms to be provided by the Secretary of State setting
3 forth the facts of the person's occupation. The affidavit
4 shall also state the number of offenses committed while
5 operating a vehicle in connection with the driver's regular
6 occupation. The affidavit shall be accompanied by the
7 driver's license. Upon receipt of a properly completed
8 affidavit, the Secretary of State shall issue the driver a
9 permit to operate a vehicle in connection with the driver's
10 regular occupation only. Unless the permit is issued by the
11 Secretary of State prior to the date of suspension, the
12 privilege to drive any motor vehicle shall be suspended as
13 set forth in the notice that was mailed under this Section.
14 If an affidavit is received subsequent to the effective
15 date of this suspension, a permit may be issued for the
16 remainder of the suspension period.

17 The provisions of this subparagraph shall not apply to
18 any driver required to possess a CDL for the purpose of
19 operating a commercial motor vehicle.

20 Any person who falsely states any fact in the affidavit
21 required herein shall be guilty of perjury under Section
22 6-302 and upon conviction thereof shall have all driving
23 privileges revoked without further rights.

24 3. At the conclusion of a hearing under Section 2-118
25 of this Code, the Secretary of State shall either rescind
26 or continue an order of revocation or shall substitute an

1 order of suspension; or, good cause appearing therefor,
2 rescind, continue, change, or extend the order of
3 suspension. If the Secretary of State does not rescind the
4 order, the Secretary may upon application, to relieve undue
5 hardship, issue a restricted driving permit granting the
6 privilege of driving a motor vehicle between the
7 petitioner's residence and petitioner's place of
8 employment or within the scope of his employment related
9 duties, or to allow transportation for the petitioner, or a
10 household member of the petitioner's family, to receive
11 necessary medical care and if the professional evaluation
12 indicates, provide transportation for alcohol remedial or
13 rehabilitative activity, or for the petitioner to attend
14 classes, as a student, in an accredited educational
15 institution; if the petitioner is able to demonstrate that
16 no alternative means of transportation is reasonably
17 available and the petitioner will not endanger the public
18 safety or welfare.

19 If a person's license or permit has been revoked or
20 suspended due to 2 or more convictions of violating Section
21 11-501 of this Code or a similar provision of a local
22 ordinance or a similar out-of-state offense, arising out of
23 separate occurrences, that person, if issued a restricted
24 driving permit, may not operate a vehicle unless it has
25 been equipped with an ignition interlock device as defined
26 in Section 1-129.1.

1 If a person's license or permit has been revoked or
2 suspended 2 or more times within a 10 year period due to a
3 single conviction of violating Section 11-501 of this Code
4 or a similar provision of a local ordinance or a similar
5 out-of-state offense, and a statutory summary suspension
6 under Section 11-501.1, or 2 or more statutory summary
7 suspensions, or combination of 2 offenses, or of an offense
8 and a statutory summary suspension, arising out of separate
9 occurrences, that person, if issued a restricted driving
10 permit, may not operate a vehicle unless it has been
11 equipped with an ignition interlock device as defined in
12 Section 1-129.1. The person must pay to the Secretary of
13 State DUI Administration Fund an amount not to exceed \$20
14 per month. The Secretary shall establish by rule the amount
15 and the procedures, terms, and conditions relating to these
16 fees. If the restricted driving permit was issued for
17 employment purposes, then this provision does not apply to
18 the operation of an occupational vehicle owned or leased by
19 that person's employer. In each case the Secretary may
20 issue a restricted driving permit for a period deemed
21 appropriate, except that all permits shall expire within
22 one year from the date of issuance. The Secretary may not,
23 however, issue a restricted driving permit to any person
24 whose current revocation is the result of a second or
25 subsequent conviction for a violation of Section 11-501 of
26 this Code or a similar provision of a local ordinance

1 relating to the offense of operating or being in physical
2 control of a motor vehicle while under the influence of
3 alcohol, other drug or drugs, intoxicating compound or
4 compounds, or any similar out-of-state offense, or any
5 combination of those offenses, until the expiration of at
6 least one year from the date of the revocation. A
7 restricted driving permit issued under this Section shall
8 be subject to cancellation, revocation, and suspension by
9 the Secretary of State in like manner and for like cause as
10 a driver's license issued under this Code may be cancelled,
11 revoked, or suspended; except that a conviction upon one or
12 more offenses against laws or ordinances regulating the
13 movement of traffic shall be deemed sufficient cause for
14 the revocation, suspension, or cancellation of a
15 restricted driving permit. The Secretary of State may, as a
16 condition to the issuance of a restricted driving permit,
17 require the applicant to participate in a designated driver
18 remedial or rehabilitative program. The Secretary of State
19 is authorized to cancel a restricted driving permit if the
20 permit holder does not successfully complete the program.

21 (c-5) The Secretary of State may, as a condition of the
22 reissuance of a driver's license or permit to an applicant
23 whose driver's license or permit has been suspended before he
24 or she reached the age of 18 years pursuant to any of the
25 provisions of this Section, require the applicant to
26 participate in a driver remedial education course and be

1 retested under Section 6-109 of this Code.

2 (d) This Section is subject to the provisions of the
3 Drivers License Compact.

4 (e) The Secretary of State shall not issue a restricted
5 driving permit to a person under the age of 16 years whose
6 driving privileges have been suspended or revoked under any
7 provisions of this Code.

8 (f) In accordance with 49 C.F.R. 384, the Secretary of
9 State may not issue a restricted driving permit for the
10 operation of a commercial motor vehicle to a person holding a
11 CDL whose driving privileges have been suspended or revoked
12 under any provisions of this Code.

13 (Source: P.A. 93-120, eff. 1-1-04; 93-667, eff. 3-19-04;
14 93-788, eff. 1-1-05; 93-955, eff. 8-19-04; 94-307, eff.
15 9-30-05; 94-556, eff. 9-11-05; 94-930, eff. 6-26-06.)

16 (625 ILCS 5/6-206.1) (from Ch. 95 1/2, par. 6-206.1)

17 Sec. 6-206.1. Monitoring Device Driving ~~Judicial Driving~~
18 Permit. Declaration of Policy. It is hereby declared a policy
19 of the State of Illinois that the driver who is impaired by
20 alcohol, other drug or drugs, or intoxicating compound or
21 compounds is a threat to the public safety and welfare.
22 Therefore, to provide a deterrent to such practice and to
23 remove problem drivers from the highway, a statutory summary
24 driver's license suspension is appropriate. It is also
25 recognized that driving is a privilege and therefore, that ~~in~~

1 ~~some cases~~ the granting of ~~limited~~ driving privileges, in a
2 manner ~~where~~ consistent with public safety, is warranted during
3 the period of suspension in the form of a monitoring device
4 driving permit. A person who drives and fails to comply with
5 the requirements of the monitoring device driving permit
6 commits a violation of Section 6-303 of this Code ~~judicial~~
7 ~~driving permit to drive for the purpose of employment,~~
8 ~~receiving drug treatment or medical care, and educational~~
9 ~~pursuits, where no alternative means of transportation is~~
10 ~~available.~~

11 The following procedures shall apply whenever a first
12 offender is arrested for any offense as defined in Section
13 11-501 or a similar provision of a local ordinance:

14 (a) Subsequent to a notification of a statutory summary
15 suspension of driving privileges as provided in Section
16 11-501.1, the court, after informing the first offender, as
17 defined in Section 11-500, of his or her right to a monitoring
18 device driving permit, hereinafter referred to as a MDDP, and
19 of the obligations of the MDDP, shall enter an order directing
20 the Secretary of State to issue a MDDP to the offender, unless
21 the offender has opted, in writing, not to have a MDDP issued.
22 However, the court shall not enter the order directing the
23 Secretary of State to issue the MDDP, if the court finds:

24 (1) The offender's driver's license is otherwise
25 valid;

26 (2) No death or great bodily harm resulted from the

1 arrest for Section 11-501;

2 (3) That the offender has not been previously convicted
3 of reckless homicide; and

4 (4) That the offender is not less than 18 years of age.

5 Any court order for a MDDP shall order the person to pay the
6 Secretary of State a MDDP Administration Fee an amount not to
7 exceed \$30 per month. The Secretary shall establish by rule the
8 amount and the procedures, terms, and conditions relating to
9 these fees. The order shall further specify that the offender
10 must have an ignition interlock device installed within 14 days
11 of the date the Secretary issues the MDDP, and shall specify
12 the vehicle in which the device is to be installed. The
13 ignition interlock device provider must notify the Secretary,
14 in a manner and form prescribed by the Secretary, of the
15 installation. If the Secretary does not receive notice of
16 installation, the Secretary shall cancel the MDDP.

17 ~~the first offender as defined in Section 11-500 may petition~~
18 ~~the circuit court of venue for a Judicial Driving Permit,~~
19 ~~hereinafter referred as a JDP, to relieve undue hardship. The~~
20 ~~court may issue a court order, pursuant to the criteria~~
21 ~~contained in this Section, directing the Secretary of State to~~
22 ~~issue such a JDP to the petitioner. A MDDP ~~JDP~~ shall not become~~
23 ~~effective prior to the 31st day of the original statutory~~
24 ~~summary suspension. and shall always be subject to the~~
25 ~~following criteria:~~

26 (a-1) A person issued a MDDP may drive for any purpose and

1 at any time, subject to the rules adopted by the Secretary of
2 State under subsection (g). The person must, at his or her own
3 expense, drive only vehicles equipped with an ignition
4 interlock device as defined in Section 1-129.1, but in no event
5 shall such person drive a commercial motor vehicle.

6 (a-2) Persons who are issued a MDDP and must drive
7 employer-owned vehicles in the course of their employment
8 duties may seek permission from the court to drive an
9 employer-owned vehicle that does not have an ignition interlock
10 device. The employee shall provide to the court a form,
11 prescribed by the Secretary of State, completed by the employer
12 verifying that the employee must drive an employer-owned
13 vehicle in the course of employment. If approved by the court,
14 the form must be file stamped and must be in the driver's
15 possession while operating an employer-owner vehicle not
16 equipped with an ignition interlock device. No person may use
17 this exemption to drive a school bus, school vehicle, or a
18 vehicle designed to transport more than 15 passengers. No
19 person may use this exemption to drive an employer-owned motor
20 vehicle that is owned by an entity that is wholly or partially
21 owned by the person holding the MDDP, or by a family member of
22 the person holding the MDDP. No person may use this exemption
23 to drive an employer-owned vehicle that is made available to
24 the employee for personal use. No person may drive the exempted
25 vehicle more than 12 hours per day, 6 days per week.

26 1. If ordered for the purposes of employment, the JDP

1 ~~shall be only for the purpose of providing the petitioner~~
2 ~~the privilege of driving a motor vehicle between the~~
3 ~~petitioner's residence and the petitioner's place of~~
4 ~~employment and return; or within the scope of the~~
5 ~~petitioner's employment related duties, shall be effective~~
6 ~~only during and limited to those specific times and routes~~
7 ~~actually required to commute or perform the petitioner's~~
8 ~~employment related duties.~~

9 ~~2. The court, by a court order, may also direct the~~
10 ~~Secretary of State to issue a JDP to allow transportation~~
11 ~~for the petitioner, or a household member of the~~
12 ~~petitioner's family, to receive alcohol, drug, or~~
13 ~~intoxicating compound treatment or medical care, if the~~
14 ~~petitioner is able to demonstrate that no alternative means~~
15 ~~of transportation is reasonably available. Such JDP shall~~
16 ~~be effective only during the specific times actually~~
17 ~~required to commute.~~

18 ~~3. The court, by a court order, may also direct the~~
19 ~~Secretary of State to issue a JDP to allow transportation~~
20 ~~by the petitioner for educational purposes upon~~
21 ~~demonstrating that there are no alternative means of~~
22 ~~transportation reasonably available to accomplish those~~
23 ~~educational purposes. Such JDP shall be only for the~~
24 ~~purpose of providing transportation to and from the~~
25 ~~petitioner's residence and the petitioner's place of~~
26 ~~educational activity, and only during the specific times~~

1 ~~and routes actually required to commute or perform the~~
2 ~~petitioner's educational requirement.~~

3 ~~4. The Court shall not issue an order granting a JDP~~
4 ~~to:~~

5 ~~(i) Any person unless and until the court, after~~
6 ~~considering the results of a current professional~~
7 ~~evaluation of the person's alcohol or other drug use by~~
8 ~~an agency pursuant to Section 15 10 of the Alcoholism~~
9 ~~and Other Drug Abuse and Dependency Act and other~~
10 ~~appropriate investigation of the person, is satisfied~~
11 ~~that granting the privilege of driving a motor vehicle~~
12 ~~on the highways will not endanger the public safety or~~
13 ~~welfare.~~

14 ~~(ii) Any person who has been convicted of reckless~~
15 ~~homicide within the previous 5 years.~~

16 ~~(iii) Any person whose privilege to operate a motor~~
17 ~~vehicle was invalid at the time of arrest for the~~
18 ~~current violation of Section 11 501, or a similar~~
19 ~~provision of a local ordinance, except in cases where~~
20 ~~the cause for a driver's license suspension has been~~
21 ~~removed at the time a JDP is effective. In any case,~~
22 ~~should the Secretary of State enter a suspension or~~
23 ~~revocation of driving privileges pursuant to the~~
24 ~~provisions of this Code while the JDP is in effect or~~
25 ~~pending, the Secretary shall take the prescribed~~
26 ~~action and provide a notice to the person and the court~~

1 ~~ordering the issuance of the JDP that all driving~~
2 ~~privileges, including those provided by the issuance~~
3 ~~of the JDP, have been withdrawn.~~

4 ~~(iv) Any person under the age of 18 years.~~

5 ~~(v) Any person for the operation of a commercial~~
6 ~~motor vehicle if the person's driving privileges have~~
7 ~~been suspended under any provision of this Code in~~
8 ~~accordance with 49 C.F.R. Part 384.~~

9 (b) (Blank). ~~Prior to ordering the issuance of a JDP the~~
10 ~~Court should consider at least, but not be limited to, the~~
11 ~~following issues:~~

12 ~~1. Whether the person is employed and no other means of~~
13 ~~commuting to the place of employment is available or that~~
14 ~~the person must drive as a condition of employment. The~~
15 ~~employer shall certify the hours of employment and the need~~
16 ~~and parameters necessary for driving as a condition to~~
17 ~~employment.~~

18 ~~2. Whether the person must drive to secure alcohol or~~
19 ~~other medical treatment for himself or a family member.~~

20 ~~3. Whether the person must drive for educational~~
21 ~~purposes. The educational institution shall certify the~~
22 ~~person's enrollment in and academic schedule at the~~
23 ~~institution.~~

24 ~~4. Whether the person has been repeatedly convicted of~~
25 ~~traffic violations or involved in motor vehicle accidents~~
26 ~~to a degree which indicates disrespect for public safety.~~

1 ~~5. Whether the person has been convicted of a traffic~~
2 ~~violation in connection with a traffic accident resulting~~
3 ~~in the death of any person within the last 5 years.~~

4 ~~6. Whether the person is likely to obey the limited~~
5 ~~provisions of the JDP.~~

6 ~~7. Whether the person has any additional traffic~~
7 ~~violations pending in any court.~~

8 ~~For purposes of this Section, programs conducting~~
9 ~~professional evaluations of a person's alcohol, other drug, or~~
10 ~~intoxicating compound use must report, to the court of venue,~~
11 ~~using a form prescribed by the Secretary of State. A copy of~~
12 ~~such evaluations shall be sent to the Secretary of State by the~~
13 ~~court. However, the evaluation information shall be privileged~~
14 ~~and only available to courts and to the Secretary of State, but~~
15 ~~shall not be admissible in the subsequent trial on the~~
16 ~~underlying charge.~~

17 ~~(c) (Blank). The scope of any court order issued for a JDP~~
18 ~~under this Section shall be limited to the operation of a motor~~
19 ~~vehicle as provided for in subsection (a) of this Section and~~
20 ~~shall specify the petitioner's residence, place of employment~~
21 ~~or location of educational institution, and the scope of job~~
22 ~~related duties, if relevant. The JDP shall also specify days of~~
23 ~~the week and specific hours of the day when the petitioner is~~
24 ~~able to exercise the limited privilege of operating a motor~~
25 ~~vehicle.~~

26 ~~(c-1) If the petitioner is issued a citation for a~~

1 ~~violation of Section 6-303 during the period of a statutory~~
2 ~~summary suspension entered under Section 11-501.1 of this Code,~~
3 ~~or if the petitioner is charged with a violation of Section~~
4 ~~11-501 or a similar provision of a local ordinance or a similar~~
5 ~~out of state offense which occurs after the current violation~~
6 ~~of Section 11-501 or a similar provision of a local ordinance,~~
7 ~~the court may not grant the petitioner a JDP unless the~~
8 ~~petitioner is acquitted or the citation or complaint is~~
9 ~~otherwise dismissed.~~

10 If the person ~~petitioner~~ is issued a citation for a violation
11 of Section 6-303 or a violation of Section 11-501 or a similar
12 provision of a local ordinance or a similar out of state
13 offense during the term of the MDDP ~~JDP~~, the officer issuing
14 the citation, or the law enforcement agency employing that
15 officer, shall confiscate the MDDP ~~JDP~~ and immediately send the
16 MDDP ~~JDP~~ and notice of the citation to the court that ordered
17 the issuance of the MDDP ~~JDP~~. Within 10 days of receipt, the
18 issuing court, upon notice to the person ~~petitioner~~, shall
19 conduct a hearing to consider cancellation of the MDDP ~~JDP~~. If
20 the court enters an order of cancellation, the court shall
21 forward the order to the Secretary of State, and the Secretary
22 shall cancel the MDDP ~~JDP~~ and notify the person ~~petitioner~~ of
23 the cancellation. If, however, the person ~~petitioner~~ is
24 convicted of the offense before the MDDP ~~JDP~~ has been
25 cancelled, the court of venue shall send notice of conviction
26 to the court that ordered issuance of the MDDP ~~JDP~~. The court

1 receiving the notice shall immediately enter an order of
2 cancellation and forward the order to the Secretary of State.
3 The Secretary shall cancel the JDP and notify the person
4 ~~petitioner~~ of the cancellation.

5 If the person ~~petitioner~~ is issued a citation for any other
6 traffic related offense during the term of the MDDP ~~JDP~~, the
7 officer issuing the citation, or the law enforcement agency
8 employing that officer, shall send notice of the citation to
9 the court that ordered issuance of the MDDP ~~JDP~~. Upon receipt
10 and notice to the person ~~petitioner~~ and an opportunity for a
11 hearing, the court shall determine whether the violation
12 constitutes grounds for cancellation of the MDDP ~~JDP~~. If the
13 court enters an order of cancellation, the court shall forward
14 the order to the Secretary of State, and the Secretary shall
15 cancel the MDDP ~~JDP~~ and shall notify the person ~~petitioner~~ of
16 the cancellation.

17 (c-5) If the court determines that the person seeking the
18 MDDP is indigent, the court shall provide the person with a
19 written document, in a form prescribed by the Secretary of
20 State, as evidence of that determination, and the person shall
21 provide that written document to an ignition interlock device
22 provider. The provider shall install an ignition interlock
23 device on that person's vehicle without charge to the person,
24 and seek reimbursement from the Indigent BAIID Fund.

25 (d) The Secretary of State shall, upon receiving a court
26 order from the court of venue, issue a MDDP ~~JDP~~ to a person who

1 ~~applies successful~~ Petitioner under this Section. Such court
2 order form shall also contain a notification, which shall be
3 sent to the Secretary of State, providing the name, driver's
4 license number and legal address of the applicant ~~successful~~
5 ~~petitioner, and the full and detailed description of the~~
6 ~~limitations of the JDP.~~ This information shall be available
7 only to the courts, police officers, and the Secretary of
8 State, except during the actual period the MDDP ~~JDP~~ is valid,
9 during which time it shall be a public record. The Secretary of
10 State shall design and furnish to the courts an official court
11 order form to be used by the courts when directing the
12 Secretary of State to issue a MDDP ~~JDP~~.

13 Any submitted court order that contains insufficient data
14 or fails to comply with this Code shall not be utilized for
15 MDDP ~~JDP~~ issuance or entered to the driver record but shall be
16 returned to the issuing court indicating why the MDDP ~~JDP~~
17 cannot be so entered. A notice of this action shall also be
18 sent to the MDDP applicant ~~JDP petitioner~~ by the Secretary of
19 State.

20 (e) (Blank). ~~The circuit court of venue may conduct the~~
21 ~~judicial hearing, as provided in Section 2-118.1, and the JDP~~
22 ~~hearing provided in this Section, concurrently. Such~~
23 ~~concurrent hearing shall proceed in the court in the same~~
24 ~~manner as in other civil proceedings.~~

25 (f) (Blank). ~~The circuit court of venue may, as a condition~~
26 ~~of the issuance of a JDP, prohibit the person from operating a~~

1 ~~motor vehicle not equipped with an ignition interlock device.~~

2 (g) The Secretary of State shall adopt rules for
3 implementing this Section. The rules adopted shall address
4 issues including, but not limited to: compliance with the
5 requirements of the MDDP; methods for determining compliance
6 with those requirements; the consequences of noncompliance
7 with those requirements; what constitutes a violation of the
8 MDDP; and the duties of a person or entity that supplies the
9 ignition interlock device.

10 (h) The rules adopted under subsection (g) shall provide,
11 at a minimum, that the person is not in compliance with the
12 requirements of the MDDP if he or she:

13 (1) tampers or attempts to tamper with or circumvent
14 the proper operation of the ignition interlock device;

15 (2) provides valid breath samples that register blood
16 alcohol levels in excess of the number of times allowed
17 under the rules;

18 (3) fails to provide evidence sufficient to satisfy the
19 Secretary that the ignition interlock device has been
20 installed in the designated vehicle or vehicles; or

21 (4) fails to follow any other applicable rules adopted
22 by the Secretary.

23 (i) Any person or entity that supplies an ignition
24 interlock device as provided under this Section shall, in
25 addition to supplying only those devices which fully comply
26 with all the rules adopted under subsection (g), provide the

1 Secretary, within 7 days of inspection, all monitoring reports
2 of each person who has had an ignition interlock device
3 installed. These reports shall be furnished in a manner or form
4 as prescribed by the Secretary.

5 (j) Upon making a determination that a violation of the
6 requirements of the MDDP has occurred, the Secretary shall
7 extend the summary suspension period for an additional 3 months
8 beyond the originally imposed summary suspension period,
9 during which time the person shall only be allowed to drive
10 vehicles equipped with an ignition interlock device; provided
11 further there are no limitations on the number of times the
12 summary suspension may be extended. Any person whose summary
13 suspension is extended pursuant to this Section shall have the
14 right to contest the extension through an administrative
15 hearing with the Secretary. If the summary suspension has
16 already terminated prior to the Secretary receiving the
17 monitoring report that shows a violation, the Secretary shall
18 be authorized to suspend the person's driving privileges for 3
19 months. The only permit the person shall be eligible for during
20 this new suspension period is a MDDP.

21 (k) A person who has had his or her summary suspension
22 extended for the third time shall have his or her vehicle
23 impounded for a period of 30 days, at the person's own expense.
24 A person who has his or her summary suspension extended for the
25 fourth time shall have his or her vehicle subject to seizure
26 and forfeiture. The Secretary shall notify the prosecuting

1 authority of any third or fourth extensions. Upon receipt of
2 the notification, the prosecuting authority shall impound or
3 forfeit the vehicle.

4 (l) A person whose driving privileges have been suspended
5 under Section 11-501.1 of this Code and who had a MDDP that was
6 cancelled pursuant to subsection (c-1) of this Section, shall
7 not be eligible for reinstatement when the summary suspension
8 is scheduled to terminate, but instead shall be eligible only
9 to apply for a restricted driving permit. If a restricted
10 driving permit is granted, the offender may only operate
11 vehicles equipped with an ignition interlock device, for a
12 period of not less than twice the original summary suspension
13 period.

14 (m) Any person or entity that supplies an ignition
15 interlock device under this Section shall, for each ignition
16 interlock device installed, pay 5% of the total gross revenue
17 received for the device into the Indigent BAIID Fund. This 5%
18 shall be clearly indicated as a separate surcharge on each
19 invoice that is issued. The Secretary shall conduct an annual
20 review of the fund to determine whether the surcharge is
21 sufficient to provide for indigent users. The Secretary may
22 increase or decrease this surcharge requirement as needed.

23 (n) Any person or entity that supplies an ignition
24 interlock device under this Section that is requested to
25 provide an ignition interlock device to a person who presents
26 written documentation of indigency from the court, as provided

1 in subsection (c-5) of this Section, shall install the device
2 on the person's vehicle without charge to the person and shall
3 seek reimbursement from the Indigent BAIID Fund.

4 (o) The Indigent BAIID Fund is created as a special fund in
5 the State treasury. The Secretary of State shall, subject to
6 appropriation by the General Assembly, use all money in the
7 Indigent BAIID Fund to reimburse ignition interlock device
8 providers who have installed devices in vehicles of indigent
9 persons pursuant to court orders issued under this Section. The
10 Secretary shall make payments to such providers every 3 months.
11 If the amount of money in the fund at the time payments are
12 made is not sufficient to pay all requests for reimbursement
13 submitted during that 3 month period, the Secretary shall make
14 payments on a pro-rata basis, and those payments shall be
15 considered payment in full for the requests submitted.

16 (p) The Monitoring Device Driving Permit Administration
17 Fee Fund is created as a special fund in the State treasury.
18 The Secretary of State shall, subject to appropriation by the
19 General Assembly, use the money paid into this fund to offset
20 its administrative costs for administering MDDPs.

21 (Source: P.A. 94-307, eff. 9-30-05; 94-357, eff. 1-1-06;
22 94-930, eff. 6-26-06.)

23 (625 ILCS 5/6-208.1) (from Ch. 95 1/2, par. 6-208.1)

24 Sec. 6-208.1. Period of statutory summary alcohol, other
25 drug, or intoxicating compound related suspension.

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

6 1. Twelve ~~Six~~ months from the effective date of the
7 statutory summary suspension for a refusal or failure to
8 complete a test or tests to determine the alcohol, drug, or
9 intoxicating compound concentration, pursuant to Section
10 11-501.1; or

11 2. Six ~~Three~~ months from the effective date of the
12 statutory summary suspension imposed following the
13 person's submission to a chemical test which disclosed an
14 alcohol concentration of 0.08 or more, or any amount of a
15 drug, substance, or intoxicating compound in such person's
16 breath, blood, or urine resulting from the unlawful use or
17 consumption of cannabis listed in the Cannabis Control Act,
18 a controlled substance listed in the Illinois Controlled
19 Substances Act, or an intoxicating compound listed in the
20 Use of Intoxicating Compounds Act, pursuant to Section
21 11-501.1; or

22 3. Three years from the effective date of the statutory
23 summary suspension for any person other than a first
24 offender who refuses or fails to complete a test or tests
25 to determine the alcohol, drug, or intoxicating compound
26 concentration pursuant to Section 11-501.1; or

1 4. One year from the effective date of the summary
2 suspension imposed for any person other than a first
3 offender following submission to a chemical test which
4 disclosed an alcohol concentration of 0.08 or more pursuant
5 to Section 11-501.1 or any amount of a drug, substance or
6 compound in such person's blood or urine resulting from the
7 unlawful use or consumption of cannabis listed in the
8 Cannabis Control Act, a controlled substance listed in the
9 Illinois Controlled Substances Act, or an intoxicating
10 compound listed in the Use of Intoxicating Compounds Act.

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

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

23 (d) Where a driving privilege has been summarily suspended
24 under Section 11-501.1 and the person is subsequently convicted
25 of violating Section 11-501, or a similar provision of a local
26 ordinance, for the same incident, any period served on

1 statutory summary suspension shall be credited toward the
2 minimum period of revocation of driving privileges imposed
3 pursuant to Section 6-205.

4 (e) Following a statutory summary suspension of driving
5 privileges pursuant to Section 11-501.1, for a first offender,
6 the circuit court shall, unless the offender has opted in
7 writing not to have a monitoring device driving permit issued,
8 order the Secretary of State to ~~may, after at least 30 days~~
9 ~~from the effective date of the statutory summary suspension,~~
10 issue a monitoring device driving permit ~~judicial driving~~
11 ~~permit~~ as provided in Section 6-206.1. A monitoring device
12 driving permit shall not be effective prior to the 31st day of
13 the statutory summary suspension.

14 (f) (Blank). ~~Subsequent to an arrest of a first offender,~~
15 ~~for any offense as defined in Section 11-501 or a similar~~
16 ~~provision of a local ordinance, following a statutory summary~~
17 ~~suspension of driving privileges pursuant to Section 11-501.1,~~
18 ~~for a first offender, the circuit court may issue a court order~~
19 ~~directing the Secretary of State to issue a judicial driving~~
20 ~~permit as provided in Section 6-206.1. However, this JDP shall~~
21 ~~not be effective prior to the 31st day of the statutory summary~~
22 ~~suspension.~~

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

1 (h) (Blank).

2 (Source: P.A. 91-357, eff. 7-29-99; 92-248, eff. 8-3-01.)

3 (625 ILCS 5/6-303) (from Ch. 95 1/2, par. 6-303)

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

6 (a) Any person who drives or is in actual physical control
7 of a motor vehicle on any highway of this State at a time when
8 such person's driver's license, permit or privilege to do so or
9 the privilege to obtain a driver's license or permit is revoked
10 or suspended as provided by this Code or the law of another
11 state, except as may be specifically allowed by a judicial
12 driving permit issued prior to the effective date of this
13 amendatory Act of the 95th General Assembly, monitoring device
14 driving permit, family financial responsibility driving
15 permit, probationary license to drive, or a restricted driving
16 permit issued pursuant to this Code or under the law of another
17 state, shall be guilty of a Class A misdemeanor.

18 (b) The Secretary of State upon receiving a report of the
19 conviction of any violation indicating a person was operating a
20 motor vehicle during the time when said person's driver's
21 license, permit or privilege was suspended by the Secretary, by
22 the appropriate authority of another state, or pursuant to
23 Section 11-501.1; except as may be specifically allowed by a
24 probationary license to drive, judicial driving permit issued
25 prior to the effective date of this amendatory Act of the 95th

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

17 (c) Except as provided in subsections (c-3) and (c-4), any
18 ~~Any~~ person convicted of violating this Section shall serve a
19 minimum term of imprisonment of 10 consecutive days or 30 days
20 of community service when the person's driving privilege was
21 revoked or suspended as a result of:

22 (1) a violation of Section 11-501 of this Code or a
23 similar provision of a local ordinance relating to the
24 offense of operating or being in physical control of a
25 vehicle while under the influence of alcohol, any other
26 drug or any combination thereof; or

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

5 (3) a violation of Section 9-3 of the Criminal Code of
6 1961, as amended, relating to the offense of reckless
7 homicide; or

8 (4) a statutory summary suspension under Section
9 11-501.1 of this Code.

10 Such sentence of imprisonment or community service shall
11 not be subject to suspension in order to reduce such sentence.

12 (c-1) Except as provided in subsection (d), any person
13 convicted of a second violation of this Section shall be
14 ordered by the court to serve a minimum of 100 hours of
15 community service.

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

19 (1) Seizure of the license plates of the person's
20 vehicle.

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

23 (c-3) Any person convicted of a violation of this Section
24 during a period of summary suspension imposed pursuant to
25 Section 11-501.1 when the person was eligible for a MDDP shall
26 be guilty of a Class 4 felony and shall serve a minimum term of

1 imprisonment of 30 days.

2 (c-4) Any person who has been issued a MDDP and who is
3 convicted of a violation of this Section as a result of
4 operating or being in actual physical control of a motor
5 vehicle not equipped with an ignition interlock device at the
6 time of the offense shall be guilty of a Class 4 felony and
7 shall serve a minimum term of imprisonment of 30 days.

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

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

24 (d-2) Any person convicted of a third violation of this
25 Section is guilty of a Class 4 felony and must serve a minimum
26 term of imprisonment of 30 days if the revocation or suspension

1 was for a violation of Section 11-401 or 11-501 of this Code,
2 or a similar out-of-state offense, or a similar provision of a
3 local ordinance, a violation of Section 9-3 of the Criminal
4 Code of 1961, relating to the offense of reckless homicide, or
5 a similar out-of-state offense, or a statutory summary
6 suspension under Section 11-501.1 of this Code.

7 (d-3) Any person convicted of a fourth, fifth, sixth,
8 seventh, eighth, or ninth violation of this Section is guilty
9 of a Class 4 felony and must serve a minimum term of
10 imprisonment of 180 days if the revocation or suspension was
11 for a violation of Section 11-401 or 11-501 of this Code, or a
12 similar out-of-state offense, or a similar provision of a local
13 ordinance, a violation of Section 9-3 of the Criminal Code of
14 1961, relating to the offense of reckless homicide, or a
15 similar out-of-state offense, or a statutory summary
16 suspension under Section 11-501.1 of this Code.

17 (d-4) Any person convicted of a tenth, eleventh, twelfth,
18 thirteenth, or fourteenth violation of this Section is guilty
19 of a Class 3 felony, and is not eligible for probation or
20 conditional discharge, if the revocation or suspension was for
21 a violation of Section 11-401 or 11-501 of this Code, or a
22 similar out-of-state offense, or a similar provision of a local
23 ordinance, a violation of Section 9-3 of the Criminal Code of
24 1961, relating to the offense of reckless homicide, or a
25 similar out-of-state offense, or a statutory summary
26 suspension under Section 11-501.1 of this Code.

1 (d-5) Any person convicted of a fifteenth or subsequent
2 violation of this Section is guilty of a Class 2 felony, and is
3 not eligible for probation or conditional discharge, if the
4 revocation or suspension was for a violation of Section 11-401
5 or 11-501 of this Code, or a similar out-of-state offense, or a
6 similar provision of a local ordinance, a violation of Section
7 9-3 of the Criminal Code of 1961, relating to the offense of
8 reckless homicide, or a similar out-of-state offense, or a
9 statutory summary suspension under Section 11-501.1 of this
10 Code.

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

23 (g) The motor vehicle used in a violation of this Section
24 is subject to seizure and forfeiture as provided in Sections
25 36-1 and 36-2 of the Criminal Code of 1961 if the person's
26 driving privilege was revoked or suspended as a result of a

1 violation listed in paragraph (1), (2), or (3) of subsection
2 (c) of this Section or as a result of a summary suspension as
3 provided in paragraph (4) of subsection (c) of this Section.

4 (Source: P.A. 94-112, eff. 1-1-06.)

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

6 (Text of Section from P.A. 93-1093 and 94-963)

7 Sec. 11-501. Driving while under the influence of alcohol,
8 other drug or drugs, intoxicating compound or compounds or any
9 combination thereof.

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

12 (1) the alcohol concentration in the person's blood or
13 breath is 0.08 or more based on the definition of blood and
14 breath units in Section 11-501.2;

15 (2) under the influence of alcohol;

16 (3) under the influence of any intoxicating compound or
17 combination of intoxicating compounds to a degree that
18 renders the person incapable of driving safely;

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

22 (5) under the combined influence of alcohol, other drug
23 or drugs, or intoxicating compound or compounds to a degree
24 that renders the person incapable of safely driving; or

25 (6) there is any amount of a drug, substance, or

1 compound in the person's breath, blood, or urine resulting
2 from the unlawful use or consumption of cannabis listed in
3 the Cannabis Control Act, a controlled substance listed in
4 the Illinois Controlled Substances Act, or an intoxicating
5 compound listed in the Use of Intoxicating Compounds Act.

6 (b) The fact that any person charged with violating this
7 Section is or has been legally entitled to use alcohol, other
8 drug or drugs, or intoxicating compound or compounds, or any
9 combination thereof, shall not constitute a defense against any
10 charge of violating this Section.

11 (b-1) With regard to penalties imposed under this Section:

12 (1) Any reference to a prior violation of subsection
13 (a) or a similar provision includes any violation of a
14 provision of a local ordinance or a provision of a law of
15 another state that is similar to a violation of subsection
16 (a) of this Section.

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

21 (b-2) Except as otherwise provided in this Section, any
22 person convicted of violating subsection (a) of this Section is
23 guilty of a Class A misdemeanor.

24 (b-3) In addition to any other criminal or administrative
25 sanction for any second conviction of violating subsection (a)
26 or a similar provision committed within 5 years of a previous

1 violation of subsection (a) or a similar provision, the
2 defendant shall be sentenced to a mandatory minimum of 5 days
3 of imprisonment or assigned a mandatory minimum of 240 hours of
4 community service as may be determined by the court.

5 (b-4) In the case of a third or subsequent violation
6 committed within 5 years of a previous violation of subsection
7 (a) or a similar provision, in addition to any other criminal
8 or administrative sanction, a mandatory minimum term of either
9 10 days of imprisonment or 480 hours of community service shall
10 be imposed.

11 (b-5) The imprisonment or assignment of community service
12 under subsections (b-3) and (b-4) shall not be subject to
13 suspension, nor shall the person be eligible for a reduced
14 sentence.

15 (c) (Blank).

16 (c-1) (1) A person who violates subsection (a) during a
17 period in which his or her driving privileges are revoked
18 or suspended, where the revocation or suspension was for a
19 violation of subsection (a), Section 11-501.1, paragraph
20 (b) of Section 11-401, or for reckless homicide as defined
21 in Section 9-3 of the Criminal Code of 1961 is guilty of a
22 Class 4 felony.

23 (2) A person who violates subsection (a) a third time,
24 if the third violation occurs during a period in which his
25 or her driving privileges are revoked or suspended where
26 the revocation or suspension was for a violation of

1 subsection (a), Section 11-501.1, paragraph (b) of Section
2 11-401, or for reckless homicide as defined in Section 9-3
3 of the Criminal Code of 1961, is guilty of a Class 3
4 felony; and if the person receives a term of probation or
5 conditional discharge, he or she shall be required to serve
6 a mandatory minimum of 10 days of imprisonment or shall be
7 assigned a mandatory minimum of 480 hours of community
8 service, as may be determined by the court, as a condition
9 of the probation or conditional discharge. This mandatory
10 minimum term of imprisonment or assignment of community
11 service shall not be suspended or reduced by the court.

12 (2.2) A person who violates subsection (a), if the
13 violation occurs during a period in which his or her
14 driving privileges are revoked or suspended where the
15 revocation or suspension was for a violation of subsection
16 (a) or Section 11-501.1, shall also be sentenced to an
17 additional mandatory minimum term of 30 consecutive days of
18 imprisonment, 40 days of 24-hour periodic imprisonment, or
19 720 hours of community service, as may be determined by the
20 court. This mandatory term of imprisonment or assignment of
21 community service shall not be suspended or reduced by the
22 court.

23 (3) A person who violates subsection (a) a fourth or
24 subsequent time, if the fourth or subsequent violation
25 occurs during a period in which his or her driving
26 privileges are revoked or suspended where the revocation or

1 suspension was for a violation of subsection (a), Section
2 11-501.1, paragraph (b) of Section 11-401, or for reckless
3 homicide as defined in Section 9-3 of the Criminal Code of
4 1961, is guilty of a Class 2 felony and is not eligible for
5 a sentence of probation or conditional discharge.

6 (c-2) (Blank).

7 (c-3) (Blank).

8 (c-4) (Blank).

9 (c-5)(1) A person who violates subsection (a), if the
10 person was transporting a person under the age of 16 at the
11 time of the violation, is subject to an additional
12 mandatory minimum fine of \$1,000, an additional mandatory
13 minimum 140 hours of community service, which shall include
14 40 hours of community service in a program benefiting
15 children, and an additional 2 days of imprisonment. The
16 imprisonment or assignment of community service under this
17 subdivision (c-5)(1) is not subject to suspension, nor is
18 the person eligible for a reduced sentence.

19 (2) Except as provided in subdivisions (c-5)(3) and
20 (c-5)(4) a person who violates subsection (a) a second
21 time, if at the time of the second violation the person was
22 transporting a person under the age of 16, is subject to an
23 additional 10 days of imprisonment, an additional
24 mandatory minimum fine of \$1,000, and an additional
25 mandatory minimum 140 hours of community service, which
26 shall include 40 hours of community service in a program

1 benefiting children. The imprisonment or assignment of
2 community service under this subdivision (c-5)(2) is not
3 subject to suspension, nor is the person eligible for a
4 reduced sentence.

5 (3) Except as provided in subdivision (c-5)(4), any
6 person convicted of violating subdivision (c-5)(2) or a
7 similar provision within 10 years of a previous violation
8 of subsection (a) or a similar provision shall receive, in
9 addition to any other penalty imposed, a mandatory minimum
10 12 days imprisonment, an additional 40 hours of mandatory
11 community service in a program benefiting children, and a
12 mandatory minimum fine of \$1,750. The imprisonment or
13 assignment of community service under this subdivision
14 (c-5)(3) is not subject to suspension, nor is the person
15 eligible for a reduced sentence.

16 (4) Any person convicted of violating subdivision
17 (c-5)(2) or a similar provision within 5 years of a
18 previous violation of subsection (a) or a similar provision
19 shall receive, in addition to any other penalty imposed, an
20 additional 80 hours of mandatory community service in a
21 program benefiting children, an additional mandatory
22 minimum 12 days of imprisonment, and a mandatory minimum
23 fine of \$1,750. The imprisonment or assignment of community
24 service under this subdivision (c-5)(4) is not subject to
25 suspension, nor is the person eligible for a reduced
26 sentence.

1 (5) Any person convicted a third time for violating
2 subsection (a) or a similar provision, if at the time of
3 the third violation the person was transporting a person
4 under the age of 16, is guilty of a Class 4 felony and
5 shall receive, in addition to any other penalty imposed, an
6 additional mandatory fine of \$1,000, an additional
7 mandatory 140 hours of community service, which shall
8 include 40 hours in a program benefiting children, and a
9 mandatory minimum 30 days of imprisonment. The
10 imprisonment or assignment of community service under this
11 subdivision (c-5)(5) is not subject to suspension, nor is
12 the person eligible for a reduced sentence.

13 (6) Any person convicted of violating subdivision
14 (c-5)(5) or a similar provision a third time within 20
15 years of a previous violation of subsection (a) or a
16 similar provision is guilty of a Class 4 felony and shall
17 receive, in addition to any other penalty imposed, an
18 additional mandatory 40 hours of community service in a
19 program benefiting children, an additional mandatory fine
20 of \$3,000, and a mandatory minimum 120 days of
21 imprisonment. The imprisonment or assignment of community
22 service under this subdivision (c-5)(6) is not subject to
23 suspension, nor is the person eligible for a reduced
24 sentence.

25 (7) Any person convicted a fourth or subsequent time
26 for violating subsection (a) or a similar provision, if at

1 the time of the fourth or subsequent violation the person
2 was transporting a person under the age of 16, and if the
3 person's 3 prior violations of subsection (a) or a similar
4 provision occurred while transporting a person under the
5 age of 16 or while the alcohol concentration in his or her
6 blood, breath, or urine was 0.16 or more based on the
7 definition of blood, breath, or urine units in Section
8 11-501.2, is guilty of a Class 2 felony, is not eligible
9 for probation or conditional discharge, and is subject to a
10 minimum fine of \$3,000.

11 (c-6)(1) Any person convicted of a first violation of
12 subsection (a) or a similar provision, if the alcohol
13 concentration in his or her blood, breath, or urine was
14 0.16 or more based on the definition of blood, breath, or
15 urine units in Section 11-501.2, shall be subject, in
16 addition to any other penalty that may be imposed, to a
17 mandatory minimum of 100 hours of community service and a
18 mandatory minimum fine of \$500.

19 (2) Any person convicted of a second violation of
20 subsection (a) or a similar provision committed within 10
21 years of a previous violation of subsection (a) or a
22 similar provision, if at the time of the second violation
23 of subsection (a) or a similar provision the alcohol
24 concentration in his or her blood, breath, or urine was
25 0.16 or more based on the definition of blood, breath, or
26 urine units in Section 11-501.2, shall be subject, in

1 addition to any other penalty that may be imposed, to a
2 mandatory minimum of 2 days of imprisonment and a mandatory
3 minimum fine of \$1,250.

4 (3) Any person convicted of a third violation of
5 subsection (a) or a similar provision within 20 years of a
6 previous violation of subsection (a) or a similar
7 provision, if at the time of the third violation of
8 subsection (a) or a similar provision the alcohol
9 concentration in his or her blood, breath, or urine was
10 0.16 or more based on the definition of blood, breath, or
11 urine units in Section 11-501.2, is guilty of a Class 4
12 felony and shall be subject, in addition to any other
13 penalty that may be imposed, to a mandatory minimum of 90
14 days of imprisonment and a mandatory minimum fine of
15 \$2,500.

16 (4) Any person convicted of a fourth or subsequent
17 violation of subsection (a) or a similar provision, if at
18 the time of the fourth or subsequent violation the alcohol
19 concentration in his or her blood, breath, or urine was
20 0.16 or more based on the definition of blood, breath, or
21 urine units in Section 11-501.2, and if the person's 3
22 prior violations of subsection (a) or a similar provision
23 occurred while transporting a person under the age of 16 or
24 while the alcohol concentration in his or her blood,
25 breath, or urine was 0.16 or more based on the definition
26 of blood, breath, or urine units in Section 11-501.2, is

1 guilty of a Class 2 felony and is not eligible for a
2 sentence of probation or conditional discharge and is
3 subject to a minimum fine of \$2,500.

4 (d) (1) Every person convicted of committing a violation of
5 this Section shall be guilty of aggravated driving under
6 the influence of alcohol, other drug or drugs, or
7 intoxicating compound or compounds, or any combination
8 thereof if:

9 (A) the person committed a violation of subsection
10 (a) or a similar provision for the third or subsequent
11 time;

12 (B) the person committed a violation of subsection
13 (a) while driving a school bus with persons 18 years of
14 age or younger on board;

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

20 (D) the person committed a violation of subsection
21 (a) for a second time and has been previously convicted
22 of violating Section 9-3 of the Criminal Code of 1961
23 or a similar provision of a law of another state
24 relating to reckless homicide in which the person was
25 determined to have been under the influence of alcohol,
26 other drug or drugs, or intoxicating compound or

1 compounds as an element of the offense or the person
2 has previously been convicted under subparagraph (C)
3 or subparagraph (F) of this paragraph (1);

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

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

19 (2) Except as provided in this paragraph (2), a person
20 convicted of aggravated driving under the influence of
21 alcohol, other drug or drugs, or intoxicating compound or
22 compounds, or any combination thereof is guilty of a Class
23 4 felony. For a violation of subparagraph (C) of paragraph
24 (1) of this subsection (d), the defendant, if sentenced to
25 a term of imprisonment, shall be sentenced to not less than
26 one year nor more than 12 years. Aggravated driving under

1 the influence of alcohol, other drug or drugs, or
2 intoxicating compound or compounds, or any combination
3 thereof as defined in subparagraph (F) of paragraph (1) of
4 this subsection (d) is a Class 2 felony, for which the
5 defendant, if sentenced to a term of imprisonment, shall be
6 sentenced to: (A) a term of imprisonment of not less than 3
7 years and not more than 14 years if the violation resulted
8 in the death of one person; or (B) a term of imprisonment
9 of not less than 6 years and not more than 28 years if the
10 violation resulted in the deaths of 2 or more persons. For
11 any prosecution under this subsection (d), a certified copy
12 of the driving abstract of the defendant shall be admitted
13 as proof of any prior conviction. Any person sentenced
14 under this subsection (d) who receives a term of probation
15 or conditional discharge must serve a minimum term of
16 either 480 hours of community service or 10 days of
17 imprisonment as a condition of the probation or conditional
18 discharge. This mandatory minimum term of imprisonment or
19 assignment of community service may not be suspended or
20 reduced by the court.

21 (e) After a finding of guilt and prior to any final
22 sentencing, or an order for supervision, for an offense based
23 upon an arrest for a violation of this Section or a similar
24 provision of a local ordinance, individuals shall be required
25 to undergo a professional evaluation to determine if an
26 alcohol, drug, or intoxicating compound abuse problem exists

1 and the extent of the problem, and undergo the imposition of
2 treatment as appropriate. Programs conducting these
3 evaluations shall be licensed by the Department of Human
4 Services. The cost of any professional evaluation shall be paid
5 for by the individual required to undergo the professional
6 evaluation.

7 (e-1) Any person who is found guilty of or pleads guilty to
8 violating this Section, including any person receiving a
9 disposition of court supervision for violating this Section,
10 may be required by the Court to attend a victim impact panel
11 offered by, or under contract with, a County State's Attorney's
12 office, a probation and court services department, Mothers
13 Against Drunk Driving, or the Alliance Against Intoxicated
14 Motorists. All costs generated by the victim impact panel shall
15 be paid from fees collected from the offender or as may be
16 determined by the court.

17 (f) Every person found guilty of violating this Section,
18 whose operation of a motor vehicle while in violation of this
19 Section proximately caused any incident resulting in an
20 appropriate emergency response, shall be liable for the expense
21 of an emergency response as provided under Section 5-5-3 of the
22 Unified Code of Corrections.

23 (g) The Secretary of State shall revoke the driving
24 privileges of any person convicted under this Section or a
25 similar provision of a local ordinance.

26 (h) (Blank).

1 (i) The Secretary of State shall require the use of
2 ignition interlock devices on all vehicles owned by an
3 individual who has been convicted of a second or subsequent
4 offense of this Section or a similar provision of a local
5 ordinance. The Secretary shall establish by rule and regulation
6 the procedures for certification and use of the interlock
7 system.

8 (j) In addition to any other penalties and liabilities, a
9 person who is found guilty of or pleads guilty to violating
10 subsection (a), including any person placed on court
11 supervision for violating subsection (a), shall be fined \$500,
12 payable to the circuit clerk, who shall distribute the money as
13 follows: 20% to the law enforcement agency that made the arrest
14 and 80% shall be forwarded to the State Treasurer for deposit
15 into the General Revenue Fund. If the person has been
16 previously convicted of violating subsection (a) or a similar
17 provision of a local ordinance, the fine shall be \$1,000. In
18 the event that more than one agency is responsible for the
19 arrest, the amount payable to law enforcement agencies shall be
20 shared equally. Any moneys received by a law enforcement agency
21 under this subsection (j) shall be used for enforcement and
22 prevention of driving while under the influence of alcohol,
23 other drug or drugs, intoxicating compound or compounds or any
24 combination thereof, as defined by this Section, including but
25 not limited to the purchase of law enforcement equipment and
26 commodities that will assist in the prevention of alcohol

1 related criminal violence throughout the State; police officer
2 training and education in areas related to alcohol related
3 crime, including but not limited to DUI training; and police
4 officer salaries, including but not limited to salaries for
5 hire back funding for safety checkpoints, saturation patrols,
6 and liquor store sting operations. Equipment and commodities
7 shall include, but are not limited to, in-car video cameras,
8 radar and laser speed detection devices, and alcohol breath
9 testers. Any moneys received by the Department of State Police
10 under this subsection (j) shall be deposited into the State
11 Police DUI Fund and shall be used for enforcement and
12 prevention of driving while under the influence of alcohol,
13 other drug or drugs, intoxicating compound or compounds or any
14 combination thereof, as defined by this Section, including but
15 not limited to the purchase of law enforcement equipment and
16 commodities that will assist in the prevention of alcohol
17 related criminal violence throughout the State; police officer
18 training and education in areas related to alcohol related
19 crime, including but not limited to DUI training; and police
20 officer salaries, including but not limited to salaries for
21 hire back funding for safety checkpoints, saturation patrols,
22 and liquor store sting operations.

23 (k) The Secretary of State Police DUI Fund is created as a
24 special fund in the State treasury. All moneys received by the
25 Secretary of State Police under subsection (j) of this Section
26 shall be deposited into the Secretary of State Police DUI Fund

1 and, subject to appropriation, shall be used for enforcement
2 and prevention of driving while under the influence of alcohol,
3 other drug or drugs, intoxicating compound or compounds or any
4 combination thereof, as defined by this Section, including but
5 not limited to the purchase of law enforcement equipment and
6 commodities to assist in the prevention of alcohol related
7 criminal violence throughout the State; police officer
8 training and education in areas related to alcohol related
9 crime, including but not limited to DUI training; and police
10 officer salaries, including but not limited to salaries for
11 hire back funding for safety checkpoints, saturation patrols,
12 and liquor store sting operations.

13 (1) Whenever an individual is sentenced for an offense
14 based upon an arrest for a violation of subsection (a) or a
15 similar provision of a local ordinance, and the professional
16 evaluation recommends remedial or rehabilitative treatment or
17 education, neither the treatment nor the education shall be the
18 sole disposition and either or both may be imposed only in
19 conjunction with another disposition. The court shall monitor
20 compliance with any remedial education or treatment
21 recommendations contained in the professional evaluation.
22 Programs conducting alcohol or other drug evaluation or
23 remedial education must be licensed by the Department of Human
24 Services. If the individual is not a resident of Illinois,
25 however, the court may accept an alcohol or other drug
26 evaluation or remedial education program in the individual's

1 state of residence. Programs providing treatment must be
2 licensed under existing applicable alcoholism and drug
3 treatment licensure standards.

4 (m) In addition to any other fine or penalty required by
5 law, an individual convicted of a violation of subsection (a),
6 Section 5-7 of the Snowmobile Registration and Safety Act,
7 Section 5-16 of the Boat Registration and Safety Act, or a
8 similar provision, whose operation of a motor vehicle,
9 snowmobile, or watercraft while in violation of subsection (a),
10 Section 5-7 of the Snowmobile Registration and Safety Act,
11 Section 5-16 of the Boat Registration and Safety Act, or a
12 similar provision proximately caused an incident resulting in
13 an appropriate emergency response, shall be required to make
14 restitution to a public agency for the costs of that emergency
15 response. The restitution may not exceed \$1,000 per public
16 agency for each emergency response. As used in this subsection
17 (m), "emergency response" means any incident requiring a
18 response by a police officer, a firefighter carried on the
19 rolls of a regularly constituted fire department, or an
20 ambulance.

21 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;
22 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;
23 93-840, eff. 7-30-04; 93-1093, eff. 3-29-05; 94-963, eff.
24 6-28-06.)

25 (Text of Section from P.A. 94-110 and 94-963)

1 Sec. 11-501. Driving while under the influence of alcohol,
2 other drug or drugs, intoxicating compound or compounds or any
3 combination thereof.

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

6 (1) the alcohol concentration in the person's blood or
7 breath is 0.08 or more based on the definition of blood and
8 breath units in Section 11-501.2;

9 (2) under the influence of alcohol;

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

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

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

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

25 (b) The fact that any person charged with violating this
26 Section is or has been legally entitled to use alcohol, other

1 drug or drugs, or intoxicating compound or compounds, or any
2 combination thereof, shall not constitute a defense against any
3 charge of violating this Section.

4 (b-1) With regard to penalties imposed under this Section:

5 (1) Any reference to a prior violation of subsection
6 (a) or a similar provision includes any violation of a
7 provision of a local ordinance or a provision of a law of
8 another state that is similar to a violation of subsection
9 (a) of this Section.

10 (2) Any penalty imposed for driving with a license that
11 has been revoked for a previous violation of subsection (a)
12 of this Section shall be in addition to the penalty imposed
13 for any subsequent violation of subsection (a).

14 (b-2) Except as otherwise provided in this Section, any
15 person convicted of violating subsection (a) of this Section is
16 guilty of a Class A misdemeanor.

17 (b-3) In addition to any other criminal or administrative
18 sanction for any second conviction of violating subsection (a)
19 or a similar provision committed within 5 years of a previous
20 violation of subsection (a) or a similar provision, the
21 defendant shall be sentenced to a mandatory minimum of 5 days
22 of imprisonment or assigned a mandatory minimum of 240 hours of
23 community service as may be determined by the court.

24 (b-4) In the case of a third or subsequent violation
25 committed within 5 years of a previous violation of subsection
26 (a) or a similar provision, in addition to any other criminal

1 or administrative sanction, a mandatory minimum term of either
2 10 days of imprisonment or 480 hours of community service shall
3 be imposed.

4 (b-5) The imprisonment or assignment of community service
5 under subsections (b-3) and (b-4) shall not be subject to
6 suspension, nor shall the person be eligible for a reduced
7 sentence.

8 (c) (Blank).

9 (c-1) (1) A person who violates subsection (a) during a
10 period in which his or her driving privileges are revoked
11 or suspended, where the revocation or suspension was for a
12 violation of subsection (a), Section 11-501.1, paragraph
13 (b) of Section 11-401, or for reckless homicide as defined
14 in Section 9-3 of the Criminal Code of 1961 is guilty of a
15 Class 4 felony.

16 (2) A person who violates subsection (a) a third time,
17 if the third violation occurs during a period in which his
18 or her driving privileges are revoked or suspended where
19 the revocation or suspension was for a violation of
20 subsection (a), Section 11-501.1, paragraph (b) of Section
21 11-401, or for reckless homicide as defined in Section 9-3
22 of the Criminal Code of 1961, is guilty of a Class 3
23 felony; and if the person receives a term of probation or
24 conditional discharge, he or she shall be required to serve
25 a mandatory minimum of 10 days of imprisonment or shall be
26 assigned a mandatory minimum of 480 hours of community

1 service, as may be determined by the court, as a condition
2 of the probation or conditional discharge. This mandatory
3 minimum term of imprisonment or assignment of community
4 service shall not be suspended or reduced by the court.

5 (2.2) A person who violates subsection (a), if the
6 violation occurs during a period in which his or her
7 driving privileges are revoked or suspended where the
8 revocation or suspension was for a violation of subsection
9 (a) or Section 11-501.1, shall also be sentenced to an
10 additional mandatory minimum term of 30 consecutive days of
11 imprisonment, 40 days of 24-hour periodic imprisonment, or
12 720 hours of community service, as may be determined by the
13 court. This mandatory term of imprisonment or assignment of
14 community service shall not be suspended or reduced by the
15 court.

16 (3) A person who violates subsection (a) a fourth or
17 subsequent time, if the fourth or subsequent violation
18 occurs during a period in which his or her driving
19 privileges are revoked or suspended where the revocation or
20 suspension was for a violation of subsection (a), Section
21 11-501.1, paragraph (b) of Section 11-401, or for reckless
22 homicide as defined in Section 9-3 of the Criminal Code of
23 1961, is guilty of a Class 2 felony and is not eligible for
24 a sentence of probation or conditional discharge.

25 (c-2) (Blank).

26 (c-3) (Blank).

1 (c-4) (Blank).

2 (c-5) Except as provided in subsection (c-5.1), a person 21
3 years of age or older who violates subsection (a), if the
4 person was transporting a person under the age of 16 at the
5 time of the violation, is subject to 6 months of imprisonment,
6 an additional mandatory minimum fine of \$1,000, and 25 days of
7 community service in a program benefiting children. The
8 imprisonment or assignment of community service under this
9 subsection (c-5) is not subject to suspension, nor is the
10 person eligible for a reduced sentence.

11 (c-5.1) A person 21 years of age or older who is convicted
12 of violating subsection (a) of this Section a first time and
13 who in committing that violation was involved in a motor
14 vehicle accident that resulted in bodily harm to the child
15 under the age of 16 being transported by the person, if the
16 violation was the proximate cause of the injury, is guilty of a
17 Class 4 felony and is subject to one year of imprisonment, a
18 mandatory fine of \$2,500, and 25 days of community service in a
19 program benefiting children. The imprisonment or assignment to
20 community service under this subsection (c-5.1) shall not be
21 subject to suspension, nor shall the person be eligible for
22 probation in order to reduce the sentence or assignment.

23 (c-6) Except as provided in subsections (c-7) and (c-7.1),
24 a person 21 years of age or older who violates subsection (a) a
25 second time, if at the time of the second violation the person
26 was transporting a person under the age of 16, is subject to 6

1 months of imprisonment, an additional mandatory minimum fine of
2 \$1,000, and an additional mandatory minimum 140 hours of
3 community service, which shall include 40 hours of community
4 service in a program benefiting children. The imprisonment or
5 assignment of community service under this subsection (c-6) is
6 not subject to suspension, nor is the person eligible for a
7 reduced sentence.

8 (c-7) Except as provided in subsection (c-7.1), any person
9 21 years of age or older convicted of violating subsection
10 (c-6) or a similar provision within 10 years of a previous
11 violation of subsection (a) or a similar provision is guilty of
12 a Class 4 felony and, in addition to any other penalty imposed,
13 is subject to one year of imprisonment, 25 days of mandatory
14 community service in a program benefiting children, and a
15 mandatory fine of \$2,500. The imprisonment or assignment of
16 community service under this subsection (c-7) is not subject to
17 suspension, nor is the person eligible for a reduced sentence.

18 (c-7.1) A person 21 years of age or older who is convicted
19 of violating subsection (a) of this Section a second time
20 within 10 years and who in committing that violation was
21 involved in a motor vehicle accident that resulted in bodily
22 harm to the child under the age of 16 being transported, if the
23 violation was the proximate cause of the injury, is guilty of a
24 Class 4 felony and is subject to 18 months of imprisonment, a
25 mandatory fine of \$5,000, and 25 days of community service in a
26 program benefiting children. The imprisonment or assignment to

1 community service under this subsection (c-7.1) shall not be
2 subject to suspension, nor shall the person be eligible for
3 probation in order to reduce the sentence or assignment.

4 (c-8) (Blank).

5 (c-9) Any person 21 years of age or older convicted a third
6 time for violating subsection (a) or a similar provision, if at
7 the time of the third violation the person was transporting a
8 person under the age of 16, is guilty of a Class 4 felony and is
9 subject to 18 months of imprisonment, a mandatory fine of
10 \$2,500, and 25 days of community service in a program
11 benefiting children. The imprisonment or assignment of
12 community service under this subsection (c-9) is not subject to
13 suspension, nor is the person eligible for a reduced sentence.

14 (c-10) Any person 21 years of age or older convicted of
15 violating subsection (c-9) or a similar provision a third time
16 within 20 years of a previous violation of subsection (a) or a
17 similar provision is guilty of a Class 3 felony and, in
18 addition to any other penalty imposed, is subject to 3 years of
19 imprisonment, 25 days of community service in a program
20 benefiting children, and a mandatory fine of \$25,000. The
21 imprisonment or assignment of community service under this
22 subsection (c-10) is not subject to suspension, nor is the
23 person eligible for a reduced sentence.

24 (c-11) Any person 21 years of age or older convicted a
25 fourth or subsequent time for violating subsection (a) or a
26 similar provision, if at the time of the fourth or subsequent

1 violation the person was transporting a person under the age of
2 16, and if the person's 3 prior violations of subsection (a) or
3 a similar provision occurred while transporting a person under
4 the age of 16 or while the alcohol concentration in his or her
5 blood, breath, or urine was 0.16 or more based on the
6 definition of blood, breath, or urine units in Section
7 11-501.2, is guilty of a Class 2 felony, is not eligible for
8 probation or conditional discharge, and is subject to a minimum
9 fine of \$25,000.

10 (c-12) Any person convicted of a first violation of
11 subsection (a) or a similar provision, if the alcohol
12 concentration in his or her blood, breath, or urine was 0.16 or
13 more based on the definition of blood, breath, or urine units
14 in Section 11-501.2, shall be subject, in addition to any other
15 penalty that may be imposed, to a mandatory minimum of 100
16 hours of community service and a mandatory minimum fine of
17 \$500.

18 (c-13) Any person convicted of a second violation of
19 subsection (a) or a similar provision committed within 10 years
20 of a previous violation of subsection (a) or a similar
21 provision, if at the time of the second violation of subsection
22 (a) or a similar provision the alcohol concentration in his or
23 her blood, breath, or urine was 0.16 or more based on the
24 definition of blood, breath, or urine units in Section
25 11-501.2, shall be subject, in addition to any other penalty
26 that may be imposed, to a mandatory minimum of 2 days of

1 imprisonment and a mandatory minimum fine of \$1,250.

2 (c-14) Any person convicted of a third violation of
3 subsection (a) or a similar provision within 20 years of a
4 previous violation of subsection (a) or a similar provision, if
5 at the time of the third violation of subsection (a) or a
6 similar provision the alcohol concentration in his or her
7 blood, breath, or urine was 0.16 or more based on the
8 definition of blood, breath, or urine units in Section
9 11-501.2, is guilty of a Class 4 felony and shall be subject,
10 in addition to any other penalty that may be imposed, to a
11 mandatory minimum of 90 days of imprisonment and a mandatory
12 minimum fine of \$2,500.

13 (c-15) Any person convicted of a fourth or subsequent
14 violation of subsection (a) or a similar provision, if at the
15 time of the fourth or subsequent violation the alcohol
16 concentration in his or her blood, breath, or urine was 0.16 or
17 more based on the definition of blood, breath, or urine units
18 in Section 11-501.2, and if the person's 3 prior violations of
19 subsection (a) or a similar provision occurred while
20 transporting a person under the age of 16 or while the alcohol
21 concentration in his or her blood, breath, or urine was 0.16 or
22 more based on the definition of blood, breath, or urine units
23 in Section 11-501.2, is guilty of a Class 2 felony and is not
24 eligible for a sentence of probation or conditional discharge
25 and is subject to a minimum fine of \$2,500.

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

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

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

8 (B) the person committed a violation of subsection
9 (a) while driving a school bus with persons 18 years of
10 age or younger on board;

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

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

26 (E) the person, in committing a violation of

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

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

15 (2) Except as provided in this paragraph (2), a person
16 convicted of aggravated driving under the influence of
17 alcohol, other drug or drugs, or intoxicating compound or
18 compounds, or any combination thereof is guilty of a Class
19 4 felony. For a violation of subparagraph (C) of paragraph
20 (1) of this subsection (d), the defendant, if sentenced to
21 a term of imprisonment, shall be sentenced to not less than
22 one year nor more than 12 years. Aggravated driving under
23 the influence of alcohol, other drug or drugs, or
24 intoxicating compound or compounds, or any combination
25 thereof as defined in subparagraph (F) of paragraph (1) of
26 this subsection (d) is a Class 2 felony, for which the

1 defendant, if sentenced to a term of imprisonment, shall be
2 sentenced to: (A) a term of imprisonment of not less than 3
3 years and not more than 14 years if the violation resulted
4 in the death of one person; or (B) a term of imprisonment
5 of not less than 6 years and not more than 28 years if the
6 violation resulted in the deaths of 2 or more persons. For
7 any prosecution under this subsection (d), a certified copy
8 of the driving abstract of the defendant shall be admitted
9 as proof of any prior conviction. Any person sentenced
10 under this subsection (d) who receives a term of probation
11 or conditional discharge must serve a minimum term of
12 either 480 hours of community service or 10 days of
13 imprisonment as a condition of the probation or conditional
14 discharge. This mandatory minimum term of imprisonment or
15 assignment of community service may not be suspended or
16 reduced by the court.

17 (e) After a finding of guilt and prior to any final
18 sentencing, or an order for supervision, for an offense based
19 upon an arrest for a violation of this Section or a similar
20 provision of a local ordinance, individuals shall be required
21 to undergo a professional evaluation to determine if an
22 alcohol, drug, or intoxicating compound abuse problem exists
23 and the extent of the problem, and undergo the imposition of
24 treatment as appropriate. Programs conducting these
25 evaluations shall be licensed by the Department of Human
26 Services. The cost of any professional evaluation shall be paid

1 for by the individual required to undergo the professional
2 evaluation.

3 (e-1) Any person who is found guilty of or pleads guilty to
4 violating this Section, including any person receiving a
5 disposition of court supervision for violating this Section,
6 may be required by the Court to attend a victim impact panel
7 offered by, or under contract with, a County State's Attorney's
8 office, a probation and court services department, Mothers
9 Against Drunk Driving, or the Alliance Against Intoxicated
10 Motorists. All costs generated by the victim impact panel shall
11 be paid from fees collected from the offender or as may be
12 determined by the court.

13 (f) Every person found guilty of violating this Section,
14 whose operation of a motor vehicle while in violation of this
15 Section proximately caused any incident resulting in an
16 appropriate emergency response, shall be liable for the expense
17 of an emergency response as provided under Section 5-5-3 of the
18 Unified Code of Corrections.

19 (g) The Secretary of State shall revoke the driving
20 privileges of any person convicted under this Section or a
21 similar provision of a local ordinance.

22 (h) (Blank).

23 (i) The Secretary of State shall require the use of
24 ignition interlock devices on all vehicles owned by an
25 individual who has been convicted of a second or subsequent
26 offense of this Section or a similar provision of a local

1 ordinance. The Secretary shall establish by rule and regulation
2 the procedures for certification and use of the interlock
3 system.

4 (j) In addition to any other penalties and liabilities, a
5 person who is found guilty of or pleads guilty to violating
6 subsection (a), including any person placed on court
7 supervision for violating subsection (a), shall be fined \$500,
8 payable to the circuit clerk, who shall distribute the money as
9 follows: 20% to the law enforcement agency that made the arrest
10 and 80% shall be forwarded to the State Treasurer for deposit
11 into the General Revenue Fund. If the person has been
12 previously convicted of violating subsection (a) or a similar
13 provision of a local ordinance, the fine shall be \$1,000. In
14 the event that more than one agency is responsible for the
15 arrest, the amount payable to law enforcement agencies shall be
16 shared equally. Any moneys received by a law enforcement agency
17 under this subsection (j) shall be used for enforcement and
18 prevention of driving while under the influence of alcohol,
19 other drug or drugs, intoxicating compound or compounds or any
20 combination thereof, as defined by this Section, including but
21 not limited to the purchase of law enforcement equipment and
22 commodities that will assist in the prevention of alcohol
23 related criminal violence throughout the State; police officer
24 training and education in areas related to alcohol related
25 crime, including but not limited to DUI training; and police
26 officer salaries, including but not limited to salaries for

1 hire back funding for safety checkpoints, saturation patrols,
2 and liquor store sting operations. Equipment and commodities
3 shall include, but are not limited to, in-car video cameras,
4 radar and laser speed detection devices, and alcohol breath
5 testers. Any moneys received by the Department of State Police
6 under this subsection (j) shall be deposited into the State
7 Police DUI Fund and shall be used for enforcement and
8 prevention of driving while under the influence of alcohol,
9 other drug or drugs, intoxicating compound or compounds or any
10 combination thereof, as defined by this Section, including but
11 not limited to the purchase of law enforcement equipment and
12 commodities that will assist in the prevention of alcohol
13 related criminal violence throughout the State; police officer
14 training and education in areas related to alcohol related
15 crime, including but not limited to DUI training; and police
16 officer salaries, including but not limited to salaries for
17 hire back funding for safety checkpoints, saturation patrols,
18 and liquor store sting operations.

19 (k) The Secretary of State Police DUI Fund is created as a
20 special fund in the State treasury. All moneys received by the
21 Secretary of State Police under subsection (j) of this Section
22 shall be deposited into the Secretary of State Police DUI Fund
23 and, subject to appropriation, shall be used for enforcement
24 and prevention of driving while under the influence of alcohol,
25 other drug or drugs, intoxicating compound or compounds or any
26 combination thereof, as defined by this Section, including but

1 not limited to the purchase of law enforcement equipment and
2 commodities to assist in the prevention of alcohol related
3 criminal violence throughout the State; police officer
4 training and education in areas related to alcohol related
5 crime, including but not limited to DUI training; and police
6 officer salaries, including but not limited to salaries for
7 hire back funding for safety checkpoints, saturation patrols,
8 and liquor store sting operations.

9 (l) Whenever an individual is sentenced for an offense
10 based upon an arrest for a violation of subsection (a) or a
11 similar provision of a local ordinance, and the professional
12 evaluation recommends remedial or rehabilitative treatment or
13 education, neither the treatment nor the education shall be the
14 sole disposition and either or both may be imposed only in
15 conjunction with another disposition. The court shall monitor
16 compliance with any remedial education or treatment
17 recommendations contained in the professional evaluation.
18 Programs conducting alcohol or other drug evaluation or
19 remedial education must be licensed by the Department of Human
20 Services. If the individual is not a resident of Illinois,
21 however, the court may accept an alcohol or other drug
22 evaluation or remedial education program in the individual's
23 state of residence. Programs providing treatment must be
24 licensed under existing applicable alcoholism and drug
25 treatment licensure standards.

26 (m) In addition to any other fine or penalty required by

1 law, an individual convicted of a violation of subsection (a),
2 Section 5-7 of the Snowmobile Registration and Safety Act,
3 Section 5-16 of the Boat Registration and Safety Act, or a
4 similar provision, whose operation of a motor vehicle,
5 snowmobile, or watercraft while in violation of subsection (a),
6 Section 5-7 of the Snowmobile Registration and Safety Act,
7 Section 5-16 of the Boat Registration and Safety Act, or a
8 similar provision proximately caused an incident resulting in
9 an appropriate emergency response, shall be required to make
10 restitution to a public agency for the costs of that emergency
11 response. The restitution may not exceed \$1,000 per public
12 agency for each emergency response. As used in this subsection
13 (m), "emergency response" means any incident requiring a
14 response by a police officer, a firefighter carried on the
15 rolls of a regularly constituted fire department, or an
16 ambulance.

17 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;
18 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;
19 93-840, eff. 7-30-04; 94-110, eff. 1-1-06; 94-963, eff.
20 6-28-06.)

21 (Text of Section from P.A. 94-113, 94-609, and 94-963)

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

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

1 control of any vehicle within this State while:

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

5 (2) under the influence of alcohol;

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

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

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

15 (6) there is any amount of a drug, substance, or
16 compound in the person's breath, blood, or urine resulting
17 from the unlawful use or consumption of cannabis listed in
18 the Cannabis Control Act, a controlled substance listed in
19 the Illinois Controlled Substances Act, or an intoxicating
20 compound listed in the Use of Intoxicating Compounds Act.

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

26 (b-1) With regard to penalties imposed under this Section:

1 (1) Any reference to a prior violation of subsection
2 (a) or a similar provision includes any violation of a
3 provision of a local ordinance or a provision of a law of
4 another state that is similar to a violation of subsection
5 (a) of this Section.

6 (2) Any penalty imposed for driving with a license that
7 has been revoked for a previous violation of subsection (a)
8 of this Section shall be in addition to the penalty imposed
9 for any subsequent violation of subsection (a).

10 (b-2) Except as otherwise provided in this Section, any
11 person convicted of violating subsection (a) of this Section is
12 guilty of a Class A misdemeanor.

13 (b-3) In addition to any other criminal or administrative
14 sanction for any second conviction of violating subsection (a)
15 or a similar provision committed within 5 years of a previous
16 violation of subsection (a) or a similar provision, the
17 defendant shall be sentenced to a mandatory minimum of 5 days
18 of imprisonment or assigned a mandatory minimum of 240 hours of
19 community service as may be determined by the court.

20 (b-4) In the case of a third or subsequent violation
21 committed within 5 years of a previous violation of subsection
22 (a) or a similar provision, in addition to any other criminal
23 or administrative sanction, a mandatory minimum term of either
24 10 days of imprisonment or 480 hours of community service shall
25 be imposed.

26 (b-5) The imprisonment or assignment of community service

1 under subsections (b-3) and (b-4) shall not be subject to
2 suspension, nor shall the person be eligible for a reduced
3 sentence.

4 (c) (Blank).

5 (c-1) (1) A person who violates subsection (a) during a
6 period in which his or her driving privileges are revoked
7 or suspended, where the revocation or suspension was for a
8 violation of subsection (a), Section 11-501.1, paragraph
9 (b) of Section 11-401, or for reckless homicide as defined
10 in Section 9-3 of the Criminal Code of 1961 is guilty of a
11 Class 4 felony.

12 (2) A person who violates subsection (a) a third time,
13 if the third violation occurs during a period in which his
14 or her driving privileges are revoked or suspended where
15 the revocation or suspension was for a violation of
16 subsection (a), Section 11-501.1, paragraph (b) of Section
17 11-401, or for reckless homicide as defined in Section 9-3
18 of the Criminal Code of 1961, is guilty of a Class 3
19 felony.

20 (2.1) A person who violates subsection (a) a third
21 time, if the third violation occurs during a period in
22 which his or her driving privileges are revoked or
23 suspended where the revocation or suspension was for a
24 violation of subsection (a), Section 11-501.1, subsection
25 (b) of Section 11-401, or for reckless homicide as defined
26 in Section 9-3 of the Criminal Code of 1961, is guilty of a

1 Class 3 felony; and if the person receives a term of
2 probation or conditional discharge, he or she shall be
3 required to serve a mandatory minimum of 10 days of
4 imprisonment or shall be assigned a mandatory minimum of
5 480 hours of community service, as may be determined by the
6 court, as a condition of the probation or conditional
7 discharge. This mandatory minimum term of imprisonment or
8 assignment of community service shall not be suspended or
9 reduced by the court.

10 (2.2) A person who violates subsection (a), if the
11 violation occurs during a period in which his or her
12 driving privileges are revoked or suspended where the
13 revocation or suspension was for a violation of subsection
14 (a) or Section 11-501.1, shall also be sentenced to an
15 additional mandatory minimum term of 30 consecutive days of
16 imprisonment, 40 days of 24-hour periodic imprisonment, or
17 720 hours of community service, as may be determined by the
18 court. This mandatory term of imprisonment or assignment of
19 community service shall not be suspended or reduced by the
20 court.

21 (3) A person who violates subsection (a) a fourth or
22 subsequent time, if the fourth or subsequent violation
23 occurs during a period in which his or her driving
24 privileges are revoked or suspended where the revocation or
25 suspension was for a violation of subsection (a), Section
26 11-501.1, paragraph (b) of Section 11-401, or for reckless

1 homicide as defined in Section 9-3 of the Criminal Code of
2 1961, is guilty of a Class 2 felony and is not eligible for
3 a sentence of probation or conditional discharge.

4 (c-2) (Blank).

5 (c-3) (Blank).

6 (c-4) (Blank).

7 (c-5) A person who violates subsection (a), if the person
8 was transporting a person under the age of 16 at the time of
9 the violation, is subject to an additional mandatory minimum
10 fine of \$1,000, an additional mandatory minimum 140 hours of
11 community service, which shall include 40 hours of community
12 service in a program benefiting children, and an additional 2
13 days of imprisonment. The imprisonment or assignment of
14 community service under this subsection (c-5) is not subject to
15 suspension, nor is the person eligible for a reduced sentence.

16 (c-6) Except as provided in subsections (c-7) and (c-8) a
17 person who violates subsection (a) a second time, if at the
18 time of the second violation the person was transporting a
19 person under the age of 16, is subject to an additional 10 days
20 of imprisonment, an additional mandatory minimum fine of
21 \$1,000, and an additional mandatory minimum 140 hours of
22 community service, which shall include 40 hours of community
23 service in a program benefiting children. The imprisonment or
24 assignment of community service under this subsection (c-6) is
25 not subject to suspension, nor is the person eligible for a
26 reduced sentence.

1 (c-7) Except as provided in subsection (c-8), any person
2 convicted of violating subsection (c-6) or a similar provision
3 within 10 years of a previous violation of subsection (a) or a
4 similar provision shall receive, in addition to any other
5 penalty imposed, a mandatory minimum 12 days imprisonment, an
6 additional 40 hours of mandatory community service in a program
7 benefiting children, and a mandatory minimum fine of \$1,750.
8 The imprisonment or assignment of community service under this
9 subsection (c-7) is not subject to suspension, nor is the
10 person eligible for a reduced sentence.

11 (c-8) Any person convicted of violating subsection (c-6) or
12 a similar provision within 5 years of a previous violation of
13 subsection (a) or a similar provision shall receive, in
14 addition to any other penalty imposed, an additional 80 hours
15 of mandatory community service in a program benefiting
16 children, an additional mandatory minimum 12 days of
17 imprisonment, and a mandatory minimum fine of \$1,750. The
18 imprisonment or assignment of community service under this
19 subsection (c-8) is not subject to suspension, nor is the
20 person eligible for a reduced sentence.

21 (c-9) Any person convicted a third time for violating
22 subsection (a) or a similar provision, if at the time of the
23 third violation the person was transporting a person under the
24 age of 16, is guilty of a Class 4 felony and shall receive, in
25 addition to any other penalty imposed, an additional mandatory
26 fine of \$1,000, an additional mandatory 140 hours of community

1 service, which shall include 40 hours in a program benefiting
2 children, and a mandatory minimum 30 days of imprisonment. The
3 imprisonment or assignment of community service under this
4 subsection (c-9) is not subject to suspension, nor is the
5 person eligible for a reduced sentence.

6 (c-10) Any person convicted of violating subsection (c-9)
7 or a similar provision a third time within 20 years of a
8 previous violation of subsection (a) or a similar provision is
9 guilty of a Class 4 felony and shall receive, in addition to
10 any other penalty imposed, an additional mandatory 40 hours of
11 community service in a program benefiting children, an
12 additional mandatory fine of \$3,000, and a mandatory minimum
13 120 days of imprisonment. The imprisonment or assignment of
14 community service under this subsection (c-10) is not subject
15 to suspension, nor is the person eligible for a reduced
16 sentence.

17 (c-11) Any person convicted a fourth or subsequent time for
18 violating subsection (a) or a similar provision, if at the time
19 of the fourth or subsequent violation the person was
20 transporting a person under the age of 16, and if the person's
21 3 prior violations of subsection (a) or a similar provision
22 occurred while transporting a person under the age of 16 or
23 while the alcohol concentration in his or her blood, breath, or
24 urine was 0.16 or more based on the definition of blood,
25 breath, or urine units in Section 11-501.2, is guilty of a
26 Class 2 felony, is not eligible for probation or conditional

1 discharge, and is subject to a minimum fine of \$3,000.

2 (c-12) Any person convicted of a first violation of
3 subsection (a) or a similar provision, if the alcohol
4 concentration in his or her blood, breath, or urine was 0.16 or
5 more based on the definition of blood, breath, or urine units
6 in Section 11-501.2, shall be subject, in addition to any other
7 penalty that may be imposed, to a mandatory minimum of 100
8 hours of community service and a mandatory minimum fine of
9 \$500.

10 (c-13) Any person convicted of a second violation of
11 subsection (a) or a similar provision committed within 10 years
12 of a previous violation of subsection (a) or a similar
13 provision committed within 10 years of a previous violation of
14 subsection (a) or a similar provision, if at the time of the
15 second violation of subsection (a) the alcohol concentration in
16 his or her blood, breath, or urine was 0.16 or more based on
17 the definition of blood, breath, or urine units in Section
18 11-501.2, shall be subject, in addition to any other penalty
19 that may be imposed, to a mandatory minimum of 2 days of
20 imprisonment and a mandatory minimum fine of \$1,250.

21 (c-14) Any person convicted of a third violation of
22 subsection (a) or a similar provision within 20 years of a
23 previous violation of subsection (a) or a similar provision, if
24 at the time of the third violation of subsection (a) or a
25 similar provision the alcohol concentration in his or her
26 blood, breath, or urine was 0.16 or more based on the

1 definition of blood, breath, or urine units in Section
2 11-501.2, is guilty of a Class 4 felony and shall be subject,
3 in addition to any other penalty that may be imposed, to a
4 mandatory minimum of 90 days of imprisonment and a mandatory
5 minimum fine of \$2,500.

6 (c-15) Any person convicted of a fourth or subsequent
7 violation of subsection (a) or a similar provision, if at the
8 time of the fourth or subsequent violation the alcohol
9 concentration in his or her blood, breath, or urine was 0.16 or
10 more based on the definition of blood, breath, or urine units
11 in Section 11-501.2, and if the person's 3 prior violations of
12 subsection (a) or a similar provision occurred while
13 transporting a person under the age of 16 or while the alcohol
14 concentration in his or her blood, breath, or urine was 0.16 or
15 more based on the definition of blood, breath, or urine units
16 in Section 11-501.2, is guilty of a Class 2 felony and is not
17 eligible for a sentence of probation or conditional discharge
18 and is subject to a minimum fine of \$2,500.

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

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

1 (B) the person committed a violation of subsection
2 (a) while driving a school bus with persons 18 years of
3 age or younger on board;

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

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

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 (2) Except as provided in this paragraph (2), a person
9 convicted of aggravated driving under the influence of
10 alcohol, other drug or drugs, or intoxicating compound or
11 compounds, or any combination thereof is guilty of a Class
12 4 felony. For a violation of subparagraph (C) of paragraph
13 (1) of this subsection (d), the defendant, if sentenced to
14 a term of imprisonment, shall be sentenced to not less than
15 one year nor more than 12 years. Aggravated driving under
16 the influence of alcohol, other drug or drugs, or
17 intoxicating compound or compounds, or any combination
18 thereof as defined in subparagraph (F) of paragraph (1) of
19 this subsection (d) is a Class 2 felony, for which the
20 defendant, unless the court determines that extraordinary
21 circumstances exist and require probation, shall be
22 sentenced to: (A) a term of imprisonment of not less than 3
23 years and not more than 14 years if the violation resulted
24 in the death of one person; or (B) a term of imprisonment
25 of not less than 6 years and not more than 28 years if the
26 violation resulted in the deaths of 2 or more persons. For

1 any prosecution under this subsection (d), a certified copy
2 of the driving abstract of the defendant shall be admitted
3 as proof of any prior conviction. Any person sentenced
4 under this subsection (d) who receives a term of probation
5 or conditional discharge must serve a minimum term of
6 either 480 hours of community service or 10 days of
7 imprisonment as a condition of the probation or conditional
8 discharge. This mandatory minimum term of imprisonment or
9 assignment of community service may not be suspended or
10 reduced by the court.

11 (e) After a finding of guilt and prior to any final
12 sentencing, or an order for supervision, for an offense based
13 upon an arrest for a violation of this Section or a similar
14 provision of a local ordinance, individuals shall be required
15 to undergo a professional evaluation to determine if an
16 alcohol, drug, or intoxicating compound abuse problem exists
17 and the extent of the problem, and undergo the imposition of
18 treatment as appropriate. Programs conducting these
19 evaluations shall be licensed by the Department of Human
20 Services. The cost of any professional evaluation shall be paid
21 for by the individual required to undergo the professional
22 evaluation.

23 (e-1) Any person who is found guilty of or pleads guilty to
24 violating this Section, including any person receiving a
25 disposition of court supervision for violating this Section,
26 may be required by the Court to attend a victim impact panel

1 offered by, or under contract with, a County State's Attorney's
2 office, a probation and court services department, Mothers
3 Against Drunk Driving, or the Alliance Against Intoxicated
4 Motorists. All costs generated by the victim impact panel shall
5 be paid from fees collected from the offender or as may be
6 determined by the court.

7 (f) Every person found guilty of violating this Section,
8 whose operation of a motor vehicle while in violation of this
9 Section proximately caused any incident resulting in an
10 appropriate emergency response, shall be liable for the expense
11 of an emergency response as provided under Section 5-5-3 of the
12 Unified Code of Corrections.

13 (g) The Secretary of State shall revoke the driving
14 privileges of any person convicted under this Section or a
15 similar provision of a local ordinance.

16 (h) (Blank).

17 (i) The Secretary of State shall require the use of
18 ignition interlock devices on all vehicles owned by an
19 individual who has been convicted of a second or subsequent
20 offense of this Section or a similar provision of a local
21 ordinance. The Secretary shall establish by rule and regulation
22 the procedures for certification and use of the interlock
23 system.

24 (j) In addition to any other penalties and liabilities, a
25 person who is found guilty of or pleads guilty to violating
26 subsection (a), including any person placed on court

1 supervision for violating subsection (a), shall be fined \$500,
2 payable to the circuit clerk, who shall distribute the money as
3 follows: 20% to the law enforcement agency that made the arrest
4 and 80% shall be forwarded to the State Treasurer for deposit
5 into the General Revenue Fund. If the person has been
6 previously convicted of violating subsection (a) or a similar
7 provision of a local ordinance, the fine shall be \$1,000. In
8 the event that more than one agency is responsible for the
9 arrest, the amount payable to law enforcement agencies shall be
10 shared equally. Any moneys received by a law enforcement agency
11 under this subsection (j) shall be used for enforcement and
12 prevention of driving while under the influence of alcohol,
13 other drug or drugs, intoxicating compound or compounds or any
14 combination thereof, as defined by this Section, including but
15 not limited to the purchase of law enforcement equipment and
16 commodities that will assist in the prevention of alcohol
17 related criminal violence throughout the State; police officer
18 training and education in areas related to alcohol related
19 crime, including but not limited to DUI training; and police
20 officer salaries, including but not limited to salaries for
21 hire back funding for safety checkpoints, saturation patrols,
22 and liquor store sting operations. Equipment and commodities
23 shall include, but are not limited to, in-car video cameras,
24 radar and laser speed detection devices, and alcohol breath
25 testers. Any moneys received by the Department of State Police
26 under this subsection (j) shall be deposited into the State

1 Police DUI Fund and shall be used for enforcement and
2 prevention of driving while under the influence of alcohol,
3 other drug or drugs, intoxicating compound or compounds or any
4 combination thereof, as defined by this Section, including but
5 not limited to the purchase of law enforcement equipment and
6 commodities that will assist in the prevention of alcohol
7 related criminal violence throughout the State; police officer
8 training and education in areas related to alcohol related
9 crime, including but not limited to DUI training; and police
10 officer salaries, including but not limited to salaries for
11 hire back funding for safety checkpoints, saturation patrols,
12 and liquor store sting operations.

13 (k) The Secretary of State Police DUI Fund is created as a
14 special fund in the State treasury. All moneys received by the
15 Secretary of State Police under subsection (j) of this Section
16 shall be deposited into the Secretary of State Police DUI Fund
17 and, subject to appropriation, shall be used for enforcement
18 and prevention of driving while under the influence of alcohol,
19 other drug or drugs, intoxicating compound or compounds or any
20 combination thereof, as defined by this Section, including but
21 not limited to the purchase of law enforcement equipment and
22 commodities to assist in the prevention of alcohol related
23 criminal violence throughout the State; police officer
24 training and education in areas related to alcohol related
25 crime, including but not limited to DUI training; and police
26 officer salaries, including but not limited to salaries for

1 hire back funding for safety checkpoints, saturation patrols,
2 and liquor store sting operations.

3 (l) Whenever an individual is sentenced for an offense
4 based upon an arrest for a violation of subsection (a) or a
5 similar provision of a local ordinance, and the professional
6 evaluation recommends remedial or rehabilitative treatment or
7 education, neither the treatment nor the education shall be the
8 sole disposition and either or both may be imposed only in
9 conjunction with another disposition. The court shall monitor
10 compliance with any remedial education or treatment
11 recommendations contained in the professional evaluation.
12 Programs conducting alcohol or other drug evaluation or
13 remedial education must be licensed by the Department of Human
14 Services. If the individual is not a resident of Illinois,
15 however, the court may accept an alcohol or other drug
16 evaluation or remedial education program in the individual's
17 state of residence. Programs providing treatment must be
18 licensed under existing applicable alcoholism and drug
19 treatment licensure standards.

20 (m) In addition to any other fine or penalty required by
21 law, an individual convicted of a violation of subsection (a),
22 Section 5-7 of the Snowmobile Registration and Safety Act,
23 Section 5-16 of the Boat Registration and Safety Act, or a
24 similar provision, whose operation of a motor vehicle,
25 snowmobile, or watercraft while in violation of subsection (a),
26 Section 5-7 of the Snowmobile Registration and Safety Act,

1 Section 5-16 of the Boat Registration and Safety Act, or a
2 similar provision proximately caused an incident resulting in
3 an appropriate emergency response, shall be required to make
4 restitution to a public agency for the costs of that emergency
5 response. The restitution may not exceed \$1,000 per public
6 agency for each emergency response. As used in this subsection
7 (m), "emergency response" means any incident requiring a
8 response by a police officer, a firefighter carried on the
9 rolls of a regularly constituted fire department, or an
10 ambulance.

11 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;
12 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;
13 93-840, eff. 7-30-04; 94-113, eff. 1-1-06; 94-609, eff. 1-1-06;
14 94-963, eff. 6-28-06.)

15 (Text of Section from P.A. 94-114 and 94-963)

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

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

21 (1) the alcohol concentration in the person's blood or
22 breath is 0.08 or more based on the definition of blood and
23 breath units in Section 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, or urine resulting
11 from the unlawful use or consumption of cannabis listed in
12 the Cannabis Control Act, a controlled substance listed in
13 the Illinois Controlled Substances Act, or an intoxicating
14 compound listed in the Use of Intoxicating Compounds Act.

15 (b) The fact that any person charged with violating this
16 Section is or has been legally entitled to use alcohol, other
17 drug or drugs, or intoxicating compound or compounds, or any
18 combination thereof, shall not constitute a defense against any
19 charge of violating this Section.

20 (b-1) With regard to penalties imposed under this Section:

21 (1) Any reference to a prior violation of subsection
22 (a) or a similar provision includes any violation of a
23 provision of a local ordinance or a provision of a law of
24 another state that is similar to a violation of subsection
25 (a) of this Section.

26 (2) Any penalty imposed for driving with a license that

1 has been revoked for a previous violation of subsection (a)
2 of this Section shall be in addition to the penalty imposed
3 for any subsequent violation of subsection (a).

4 (b-2) Except as otherwise provided in this Section, any
5 person convicted of violating subsection (a) of this Section is
6 guilty of a Class A misdemeanor.

7 (b-3) In addition to any other criminal or administrative
8 sanction for any second conviction of violating subsection (a)
9 or a similar provision committed within 5 years of a previous
10 violation of subsection (a) or a similar provision, the
11 defendant shall be sentenced to a mandatory minimum of 5 days
12 of imprisonment or assigned a mandatory minimum of 240 hours of
13 community service as may be determined by the court.

14 (b-4) In the case of a third or subsequent violation
15 committed within 5 years of a previous violation of subsection
16 (a) or a similar provision, in addition to any other criminal
17 or administrative sanction, a mandatory minimum term of either
18 10 days of imprisonment or 480 hours of community service shall
19 be imposed.

20 (b-5) The imprisonment or assignment of community service
21 under subsections (b-3) and (b-4) shall not be subject to
22 suspension, nor shall the person be eligible for a reduced
23 sentence.

24 (c) (Blank).

25 (c-1) (1) A person who violates subsection (a) during a
26 period in which his or her driving privileges are revoked

1 or suspended, where the revocation or suspension was for a
2 violation of subsection (a), Section 11-501.1, paragraph
3 (b) of Section 11-401, or for reckless homicide as defined
4 in Section 9-3 of the Criminal Code of 1961 is guilty of a
5 Class 4 felony.

6 (2) A person who violates subsection (a) a third time,
7 if the third violation occurs during a period in which his
8 or her driving privileges are revoked or suspended where
9 the revocation or suspension was for a violation of
10 subsection (a), Section 11-501.1, paragraph (b) of Section
11 11-401, or for reckless homicide as defined in Section 9-3
12 of the Criminal Code of 1961, is guilty of a Class 3
13 felony.

14 (2.1) A person who violates subsection (a) a third
15 time, if the third violation occurs during a period in
16 which his or her driving privileges are revoked or
17 suspended where the revocation or suspension was for a
18 violation of subsection (a), Section 11-501.1, subsection
19 (b) of Section 11-401, or for reckless homicide as defined
20 in Section 9-3 of the Criminal Code of 1961, is guilty of a
21 Class 3 felony; and if the person receives a term of
22 probation or conditional discharge, he or she shall be
23 required to serve a mandatory minimum of 10 days of
24 imprisonment or shall be assigned a mandatory minimum of
25 480 hours of community service, as may be determined by the
26 court, as a condition of the probation or conditional

1 discharge. This mandatory minimum term of imprisonment or
2 assignment of community service shall not be suspended or
3 reduced by the court.

4 (2.2) A person who violates subsection (a), if the
5 violation occurs during a period in which his or her
6 driving privileges are revoked or suspended where the
7 revocation or suspension was for a violation of subsection
8 (a) or Section 11-501.1, shall also be sentenced to an
9 additional mandatory minimum term of 30 consecutive days of
10 imprisonment, 40 days of 24-hour periodic imprisonment, or
11 720 hours of community service, as may be determined by the
12 court. This mandatory term of imprisonment or assignment of
13 community service shall not be suspended or reduced by the
14 court.

15 (3) A person who violates subsection (a) a fourth or
16 fifth time, if the fourth or fifth violation occurs during
17 a period in which his or her driving privileges are revoked
18 or suspended where the revocation or suspension was for a
19 violation of subsection (a), Section 11-501.1, paragraph
20 (b) of Section 11-401, or for reckless homicide as defined
21 in Section 9-3 of the Criminal Code of 1961, is guilty of a
22 Class 2 felony and is not eligible for a sentence of
23 probation or conditional discharge.

24 (c-2) (Blank).

25 (c-3) (Blank).

26 (c-4) (Blank).

1 (c-5) A person who violates subsection (a), if the person
2 was transporting a person under the age of 16 at the time of
3 the violation, is subject to an additional mandatory minimum
4 fine of \$1,000, an additional mandatory minimum 140 hours of
5 community service, which shall include 40 hours of community
6 service in a program benefiting children, and an additional 2
7 days of imprisonment. The imprisonment or assignment of
8 community service under this subsection (c-5) is not subject to
9 suspension, nor is the person eligible for a reduced sentence.

10 (c-6) Except as provided in subsections (c-7) and (c-8) a
11 person who violates subsection (a) a second time, if at the
12 time of the second violation the person was transporting a
13 person under the age of 16, is subject to an additional 10 days
14 of imprisonment, an additional mandatory minimum fine of
15 \$1,000, and an additional mandatory minimum 140 hours of
16 community service, which shall include 40 hours of community
17 service in a program benefiting children. The imprisonment or
18 assignment of community service under this subsection (c-6) is
19 not subject to suspension, nor is the person eligible for a
20 reduced sentence.

21 (c-7) Except as provided in subsection (c-8), any person
22 convicted of violating subsection (c-6) or a similar provision
23 within 10 years of a previous violation of subsection (a) or a
24 similar provision shall receive, in addition to any other
25 penalty imposed, a mandatory minimum 12 days imprisonment, an
26 additional 40 hours of mandatory community service in a program

1 benefiting children, and a mandatory minimum fine of \$1,750.
2 The imprisonment or assignment of community service under this
3 subsection (c-7) is not subject to suspension, nor is the
4 person eligible for a reduced sentence.

5 (c-8) Any person convicted of violating subsection (c-6) or
6 a similar provision within 5 years of a previous violation of
7 subsection (a) or a similar provision shall receive, in
8 addition to any other penalty imposed, an additional 80 hours
9 of mandatory community service in a program benefiting
10 children, an additional mandatory minimum 12 days of
11 imprisonment, and a mandatory minimum fine of \$1,750. The
12 imprisonment or assignment of community service under this
13 subsection (c-8) is not subject to suspension, nor is the
14 person eligible for a reduced sentence.

15 (c-9) Any person convicted a third time for violating
16 subsection (a) or a similar provision, if at the time of the
17 third violation the person was transporting a person under the
18 age of 16, is guilty of a Class 4 felony and shall receive, in
19 addition to any other penalty imposed, an additional mandatory
20 fine of \$1,000, an additional mandatory 140 hours of community
21 service, which shall include 40 hours in a program benefiting
22 children, and a mandatory minimum 30 days of imprisonment. The
23 imprisonment or assignment of community service under this
24 subsection (c-9) is not subject to suspension, nor is the
25 person eligible for a reduced sentence.

26 (c-10) Any person convicted of violating subsection (c-9)

1 or a similar provision a third time within 20 years of a
2 previous violation of subsection (a) or a similar provision is
3 guilty of a Class 4 felony and shall receive, in addition to
4 any other penalty imposed, an additional mandatory 40 hours of
5 community service in a program benefiting children, an
6 additional mandatory fine of \$3,000, and a mandatory minimum
7 120 days of imprisonment. The imprisonment or assignment of
8 community service under this subsection (c-10) is not subject
9 to suspension, nor is the person eligible for a reduced
10 sentence.

11 (c-11) Any person convicted a fourth or fifth time for
12 violating subsection (a) or a similar provision, if at the time
13 of the fourth or fifth violation the person was transporting a
14 person under the age of 16, and if the person's 3 prior
15 violations of subsection (a) or a similar provision occurred
16 while transporting a person under the age of 16 or while the
17 alcohol concentration in his or her blood, breath, or urine was
18 0.16 or more based on the definition of blood, breath, or urine
19 units in Section 11-501.2, is guilty of a Class 2 felony, is
20 not eligible for probation or conditional discharge, and is
21 subject to a minimum fine of \$3,000.

22 (c-12) Any person convicted of a first violation of
23 subsection (a) or a similar provision, if the alcohol
24 concentration in his or her blood, breath, or urine was 0.16 or
25 more based on the definition of blood, breath, or urine units
26 in Section 11-501.2, shall be subject, in addition to any other

1 penalty that may be imposed, to a mandatory minimum of 100
2 hours of community service and a mandatory minimum fine of
3 \$500.

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

15 (c-14) Any person convicted of a third violation of
16 subsection (a) or a similar provision within 20 years of a
17 previous violation of subsection (a) or a similar provision, if
18 at the time of the third violation of subsection (a) or a
19 similar provision the alcohol concentration in his or her
20 blood, breath, or urine was 0.16 or more based on the
21 definition of blood, breath, or urine units in Section
22 11-501.2, is guilty of a Class 4 felony and shall be subject,
23 in addition to any other penalty that may be imposed, to a
24 mandatory minimum of 90 days of imprisonment and a mandatory
25 minimum fine of \$2,500.

26 (c-15) Any person convicted of a fourth or fifth violation

1 of subsection (a) or a similar provision, if at the time of the
2 fourth or fifth violation the alcohol concentration in his or
3 her blood, breath, or urine was 0.16 or more based on the
4 definition of blood, breath, or urine units in Section
5 11-501.2, and if the person's 3 prior violations of subsection
6 (a) or a similar provision occurred while transporting a person
7 under the age of 16 or while the alcohol concentration in his
8 or her blood, breath, or urine was 0.16 or more based on the
9 definition of blood, breath, or urine units in Section
10 11-501.2, is guilty of a Class 2 felony and is not eligible for
11 a sentence of probation or conditional discharge and is subject
12 to a minimum fine of \$2,500.

13 (c-16) Any person convicted of a sixth or subsequent
14 violation of subsection (a) is guilty of a Class X felony.

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

20 (A) the person committed a violation of subsection
21 (a) or a similar provision for the third or subsequent
22 time;

23 (B) the person committed a violation of subsection
24 (a) while driving a school bus with persons 18 years of
25 age or younger on board;

26 (C) the person in committing a violation of

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

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

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

24 (F) the person, in committing a violation of
25 subsection (a), was involved in a motor vehicle,
26 snowmobile, all-terrain vehicle, or watercraft

1 accident that resulted in the death of another person,
2 when the violation of subsection (a) was a proximate
3 cause of the death.

4 (2) Except as provided in this paragraph (2), a person
5 convicted of aggravated driving under the influence of
6 alcohol, other drug or drugs, or intoxicating compound or
7 compounds, or any combination thereof is guilty of a Class
8 4 felony. For a violation of subparagraph (C) of paragraph
9 (1) of this subsection (d), the defendant, if sentenced to
10 a term of imprisonment, shall be sentenced to not less than
11 one year nor more than 12 years. Aggravated driving under
12 the influence of alcohol, other drug or drugs, or
13 intoxicating compound or compounds, or any combination
14 thereof as defined in subparagraph (F) of paragraph (1) of
15 this subsection (d) is a Class 2 felony, for which the
16 defendant, if sentenced to a term of imprisonment, shall be
17 sentenced to: (A) a term of imprisonment of not less than 3
18 years and not more than 14 years if the violation resulted
19 in the death of one person; or (B) a term of imprisonment
20 of not less than 6 years and not more than 28 years if the
21 violation resulted in the deaths of 2 or more persons. For
22 any prosecution under this subsection (d), a certified copy
23 of the driving abstract of the defendant shall be admitted
24 as proof of any prior conviction. Any person sentenced
25 under this subsection (d) who receives a term of probation
26 or conditional discharge must serve a minimum term of

1 either 480 hours of community service or 10 days of
2 imprisonment as a condition of the probation or conditional
3 discharge. This mandatory minimum term of imprisonment or
4 assignment of community service may not be suspended or
5 reduced by the court.

6 (e) After a finding of guilt and prior to any final
7 sentencing, or an order for supervision, for an offense based
8 upon an arrest for a violation of this Section or a similar
9 provision of a local ordinance, individuals shall be required
10 to undergo a professional evaluation to determine if an
11 alcohol, drug, or intoxicating compound abuse problem exists
12 and the extent of the problem, and undergo the imposition of
13 treatment as appropriate. Programs conducting these
14 evaluations shall be licensed by the Department of Human
15 Services. The cost of any professional evaluation shall be paid
16 for by the individual required to undergo the professional
17 evaluation.

18 (e-1) Any person who is found guilty of or pleads guilty to
19 violating this Section, including any person receiving a
20 disposition of court supervision for violating this Section,
21 may be required by the Court to attend a victim impact panel
22 offered by, or under contract with, a County State's Attorney's
23 office, a probation and court services department, Mothers
24 Against Drunk Driving, or the Alliance Against Intoxicated
25 Motorists. All costs generated by the victim impact panel shall
26 be paid from fees collected from the offender or as may be

1 determined by the court.

2 (f) Every person found guilty of violating this Section,
3 whose operation of a motor vehicle while in violation of this
4 Section proximately caused any incident resulting in an
5 appropriate emergency response, shall be liable for the expense
6 of an emergency response as provided under Section 5-5-3 of the
7 Unified Code of Corrections.

8 (g) The Secretary of State shall revoke the driving
9 privileges of any person convicted under this Section or a
10 similar provision of a local ordinance.

11 (h) (Blank).

12 (i) The Secretary of State shall require the use of
13 ignition interlock devices on all vehicles owned by an
14 individual who has been convicted of a second or subsequent
15 offense of this Section or a similar provision of a local
16 ordinance. The Secretary shall establish by rule and regulation
17 the procedures for certification and use of the interlock
18 system.

19 (j) In addition to any other penalties and liabilities, a
20 person who is found guilty of or pleads guilty to violating
21 subsection (a), including any person placed on court
22 supervision for violating subsection (a), shall be fined \$500,
23 payable to the circuit clerk, who shall distribute the money as
24 follows: 20% to the law enforcement agency that made the arrest
25 and 80% shall be forwarded to the State Treasurer for deposit
26 into the General Revenue Fund. If the person has been

1 previously convicted of violating subsection (a) or a similar
2 provision of a local ordinance, the fine shall be \$1,000. In
3 the event that more than one agency is responsible for the
4 arrest, the amount payable to law enforcement agencies shall be
5 shared equally. Any moneys received by a law enforcement agency
6 under this subsection (j) shall be used for enforcement and
7 prevention of driving while under the influence of alcohol,
8 other drug or drugs, intoxicating compound or compounds or any
9 combination thereof, as defined by this Section, including but
10 not limited to the purchase of law enforcement equipment and
11 commodities that will assist in the prevention of alcohol
12 related criminal violence throughout the State; police officer
13 training and education in areas related to alcohol related
14 crime, including but not limited to DUI training; and police
15 officer salaries, including but not limited to salaries for
16 hire back funding for safety checkpoints, saturation patrols,
17 and liquor store sting operations. Equipment and commodities
18 shall include, but are not limited to, in-car video cameras,
19 radar and laser speed detection devices, and alcohol breath
20 testers. Any moneys received by the Department of State Police
21 under this subsection (j) shall be deposited into the State
22 Police DUI Fund and shall be used for enforcement and
23 prevention of driving while under the influence of alcohol,
24 other drug or drugs, intoxicating compound or compounds or any
25 combination thereof, as defined by this Section, including but
26 not limited to the purchase of law enforcement equipment and

1 commodities that will assist in the prevention of alcohol
2 related criminal violence throughout the State; police officer
3 training and education in areas related to alcohol related
4 crime, including but not limited to DUI training; and police
5 officer salaries, including but not limited to salaries for
6 hire back funding for safety checkpoints, saturation patrols,
7 and liquor store sting operations.

8 (k) The Secretary of State Police DUI Fund is created as a
9 special fund in the State treasury. All moneys received by the
10 Secretary of State Police under subsection (j) of this Section
11 shall be deposited into the Secretary of State Police DUI Fund
12 and, subject to appropriation, shall be used for enforcement
13 and prevention of driving while under the influence of alcohol,
14 other drug or drugs, intoxicating compound or compounds or any
15 combination thereof, as defined by this Section, including but
16 not limited to the purchase of law enforcement equipment and
17 commodities to assist in the prevention of alcohol related
18 criminal violence throughout the State; police officer
19 training and education in areas related to alcohol related
20 crime, including but not limited to DUI training; and police
21 officer salaries, including but not limited to salaries for
22 hire back funding for safety checkpoints, saturation patrols,
23 and liquor store sting operations.

24 (l) Whenever an individual is sentenced for an offense
25 based upon an arrest for a violation of subsection (a) or a
26 similar provision of a local ordinance, and the professional

1 evaluation recommends remedial or rehabilitative treatment or
2 education, neither the treatment nor the education shall be the
3 sole disposition and either or both may be imposed only in
4 conjunction with another disposition. The court shall monitor
5 compliance with any remedial education or treatment
6 recommendations contained in the professional evaluation.
7 Programs conducting alcohol or other drug evaluation or
8 remedial education must be licensed by the Department of Human
9 Services. If the individual is not a resident of Illinois,
10 however, the court may accept an alcohol or other drug
11 evaluation or remedial education program in the individual's
12 state of residence. Programs providing treatment must be
13 licensed under existing applicable alcoholism and drug
14 treatment licensure standards.

15 (m) In addition to any other fine or penalty required by
16 law, an individual convicted of a violation of subsection (a),
17 Section 5-7 of the Snowmobile Registration and Safety Act,
18 Section 5-16 of the Boat Registration and Safety Act, or a
19 similar provision, whose operation of a motor vehicle,
20 snowmobile, or watercraft while in violation of subsection (a),
21 Section 5-7 of the Snowmobile Registration and Safety Act,
22 Section 5-16 of the Boat Registration and Safety Act, or a
23 similar provision proximately caused an incident resulting in
24 an appropriate emergency response, shall be required to make
25 restitution to a public agency for the costs of that emergency
26 response. The restitution may not exceed \$1,000 per public

1 agency for each emergency response. As used in this subsection
2 (m), "emergency response" means any incident requiring a
3 response by a police officer, a firefighter carried on the
4 rolls of a regularly constituted fire department, or an
5 ambulance.

6 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;
7 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;
8 93-840, eff. 7-30-04; 94-114, eff. 1-1-06; 94-963, eff.
9 6-28-06.)

10 (Text of Section from P.A. 94-116 and 94-963)

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

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

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

19 (2) under the influence of alcohol;

20 (3) under the influence of any intoxicating compound or
21 combination of intoxicating compounds to a degree that
22 renders the person incapable of driving safely;

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

1 (5) under the combined influence of alcohol, other drug
2 or drugs, or intoxicating compound or compounds to a degree
3 that renders the person incapable of safely driving; or

4 (6) there is any amount of a drug, substance, or
5 compound in the person's breath, blood, or urine resulting
6 from the unlawful use or consumption of cannabis listed in
7 the Cannabis Control Act, a controlled substance listed in
8 the Illinois Controlled Substances Act, or an intoxicating
9 compound listed in the Use of Intoxicating Compounds Act.

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

15 (b-1) With regard to penalties imposed under this Section:

16 (1) Any reference to a prior violation of subsection
17 (a) or a similar provision includes any violation of a
18 provision of a local ordinance or a provision of a law of
19 another state that is similar to a violation of subsection
20 (a) of this Section.

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

25 (b-2) Except as otherwise provided in this Section, any
26 person convicted of violating subsection (a) of this Section is

1 guilty of a Class A misdemeanor.

2 (b-3) In addition to any other criminal or administrative
3 sanction for any second conviction of violating subsection (a)
4 or a similar provision committed within 5 years of a previous
5 violation of subsection (a) or a similar provision, the
6 defendant shall be sentenced to a mandatory minimum of 5 days
7 of imprisonment or assigned a mandatory minimum of 240 hours of
8 community service as may be determined by the court.

9 (b-4) In the case of a third violation committed within 5
10 years of a previous violation of subsection (a) or a similar
11 provision, the defendant is guilty of a Class 2 felony, and in
12 addition to any other criminal or administrative sanction, a
13 mandatory minimum term of either 10 days of imprisonment or 480
14 hours of community service shall be imposed.

15 (b-5) The imprisonment or assignment of community service
16 under subsections (b-3) and (b-4) shall not be subject to
17 suspension, nor shall the person be eligible for a reduced
18 sentence.

19 (c) (Blank).

20 (c-1) (1) A person who violates subsection (a) during a
21 period in which his or her driving privileges are revoked
22 or suspended, where the revocation or suspension was for a
23 violation of subsection (a), Section 11-501.1, paragraph
24 (b) of Section 11-401, or for reckless homicide as defined
25 in Section 9-3 of the Criminal Code of 1961 is guilty of a
26 Class 4 felony.

1 (2) A person who violates subsection (a) a third time
2 is guilty of a Class 2 felony.

3 (2.1) A person who violates subsection (a) a third
4 time, if the third violation occurs during a period in
5 which his or her driving privileges are revoked or
6 suspended where the revocation or suspension was for a
7 violation of subsection (a), Section 11-501.1, subsection
8 (b) of Section 11-401, or for reckless homicide as defined
9 in Section 9-3 of the Criminal Code of 1961, is guilty of a
10 Class 2 felony; and if the person receives a term of
11 probation or conditional discharge, he or she shall be
12 required to serve a mandatory minimum of 10 days of
13 imprisonment or shall be assigned a mandatory minimum of
14 480 hours of community service, as may be determined by the
15 court, as a condition of the probation or conditional
16 discharge. This mandatory minimum term of imprisonment or
17 assignment of community service shall not be suspended or
18 reduced by the court.

19 (2.2) A person who violates subsection (a), if the
20 violation occurs during a period in which his or her
21 driving privileges are revoked or suspended where the
22 revocation or suspension was for a violation of subsection
23 (a) or Section 11-501.1, shall also be sentenced to an
24 additional mandatory minimum term of 30 consecutive days of
25 imprisonment, 40 days of 24-hour periodic imprisonment, or
26 720 hours of community service, as may be determined by the

1 court. This mandatory term of imprisonment or assignment of
2 community service shall not be suspended or reduced by the
3 court.

4 (3) A person who violates subsection (a) a fourth time
5 is guilty of a Class 2 felony and is not eligible for a
6 sentence of probation or conditional discharge.

7 (4) A person who violates subsection (a) a fifth or
8 subsequent time is guilty of a Class 1 felony and is not
9 eligible for a sentence of probation or conditional
10 discharge.

11 (c-2) (Blank).

12 (c-3) (Blank).

13 (c-4) (Blank).

14 (c-5) A person who violates subsection (a), if the person
15 was transporting a person under the age of 16 at the time of
16 the violation, is subject to an additional mandatory minimum
17 fine of \$1,000, an additional mandatory minimum 140 hours of
18 community service, which shall include 40 hours of community
19 service in a program benefiting children, and an additional 2
20 days of imprisonment. The imprisonment or assignment of
21 community service under this subsection (c-5) is not subject to
22 suspension, nor is the person eligible for a reduced sentence.

23 (c-6) Except as provided in subsections (c-7) and (c-8) a
24 person who violates subsection (a) a second time, if at the
25 time of the second violation the person was transporting a
26 person under the age of 16, is subject to an additional 10 days

1 of imprisonment, an additional mandatory minimum fine of
2 \$1,000, and an additional mandatory minimum 140 hours of
3 community service, which shall include 40 hours of community
4 service in a program benefiting children. The imprisonment or
5 assignment of community service under this subsection (c-6) is
6 not subject to suspension, nor is the person eligible for a
7 reduced sentence.

8 (c-7) Except as provided in subsection (c-8), any person
9 convicted of violating subsection (c-6) or a similar provision
10 within 10 years of a previous violation of subsection (a) or a
11 similar provision shall receive, in addition to any other
12 penalty imposed, a mandatory minimum 12 days imprisonment, an
13 additional 40 hours of mandatory community service in a program
14 benefiting children, and a mandatory minimum fine of \$1,750.
15 The imprisonment or assignment of community service under this
16 subsection (c-7) is not subject to suspension, nor is the
17 person eligible for a reduced sentence.

18 (c-8) Any person convicted of violating subsection (c-6) or
19 a similar provision within 5 years of a previous violation of
20 subsection (a) or a similar provision shall receive, in
21 addition to any other penalty imposed, an additional 80 hours
22 of mandatory community service in a program benefiting
23 children, an additional mandatory minimum 12 days of
24 imprisonment, and a mandatory minimum fine of \$1,750. The
25 imprisonment or assignment of community service under this
26 subsection (c-8) is not subject to suspension, nor is the

1 person eligible for a reduced sentence.

2 (c-9) Any person convicted a third time for violating
3 subsection (a) or a similar provision, if at the time of the
4 third violation the person was transporting a person under the
5 age of 16, is guilty of a Class 2 felony and shall receive, in
6 addition to any other penalty imposed, an additional mandatory
7 fine of \$1,000, an additional mandatory 140 hours of community
8 service, which shall include 40 hours in a program benefiting
9 children, and a mandatory minimum 30 days of imprisonment. The
10 imprisonment or assignment of community service under this
11 subsection (c-9) is not subject to suspension, nor is the
12 person eligible for a reduced sentence.

13 (c-10) Any person convicted of violating subsection (c-9)
14 or a similar provision a third time within 20 years of a
15 previous violation of subsection (a) or a similar provision is
16 guilty of a Class 2 felony and shall receive, in addition to
17 any other penalty imposed, an additional mandatory 40 hours of
18 community service in a program benefiting children, an
19 additional mandatory fine of \$3,000, and a mandatory minimum
20 120 days of imprisonment. The imprisonment or assignment of
21 community service under this subsection (c-10) is not subject
22 to suspension, nor is the person eligible for a reduced
23 sentence.

24 (c-11) Any person convicted a fourth time for violating
25 subsection (a) or a similar provision, if at the time of the
26 fourth violation the person was transporting a person under the

1 age of 16, and if the person's 3 prior violations of subsection
2 (a) or a similar provision occurred while transporting a person
3 under the age of 16 or while the alcohol concentration in his
4 or her blood, breath, or urine was 0.16 or more based on the
5 definition of blood, breath, or urine units in Section
6 11-501.2, is guilty of a Class 2 felony, is not eligible for
7 probation or conditional discharge, and is subject to a minimum
8 fine of \$3,000.

9 (c-12) Any person convicted of a first violation of
10 subsection (a) or a similar provision, if the alcohol
11 concentration in his or her blood, breath, or urine was 0.16 or
12 more based on the definition of blood, breath, or urine units
13 in Section 11-501.2, shall be subject, in addition to any other
14 penalty that may be imposed, to a mandatory minimum of 100
15 hours of community service and a mandatory minimum fine of
16 \$500.

17 (c-13) Any person convicted of a second violation of
18 subsection (a) or a similar provision committed within 10 years
19 of a previous violation of subsection (a) or a similar
20 provision committed within 10 years of a previous violation of
21 subsection (a) or a similar provision, if at the time of the
22 second violation of subsection (a) the alcohol concentration in
23 his or her blood, breath, or urine was 0.16 or more based on
24 the definition of blood, breath, or urine units in Section
25 11-501.2, shall be subject, in addition to any other penalty
26 that may be imposed, to a mandatory minimum of 2 days of

1 imprisonment and a mandatory minimum fine of \$1,250.

2 (c-14) Any person convicted of a third violation of
3 subsection (a) or a similar provision within 20 years of a
4 previous violation of subsection (a) or a similar provision, if
5 at the time of the third violation of subsection (a) or a
6 similar provision the alcohol concentration in his or her
7 blood, breath, or urine was 0.16 or more based on the
8 definition of blood, breath, or urine units in Section
9 11-501.2, is guilty of a Class 2 felony and shall be subject,
10 in addition to any other penalty that may be imposed, to a
11 mandatory minimum of 90 days of imprisonment and a mandatory
12 minimum fine of \$2,500.

13 (c-15) Any person convicted of a fourth violation of
14 subsection (a) or a similar provision, if at the time of the
15 fourth violation the alcohol concentration in his or her blood,
16 breath, or urine was 0.16 or more based on the definition of
17 blood, breath, or urine units in Section 11-501.2, and if the
18 person's 3 prior violations of subsection (a) or a similar
19 provision occurred while transporting a person under the age of
20 16 or while the alcohol concentration in his or her blood,
21 breath, or urine was 0.16 or more based on the definition of
22 blood, breath, or urine units in Section 11-501.2, is guilty of
23 a Class 2 felony and is not eligible for a sentence of
24 probation or conditional discharge and is subject to a minimum
25 fine of \$2,500.

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

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

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

8 (B) the person committed a violation of subsection
9 (a) while driving a school bus with persons 18 years of
10 age or younger on board;

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

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

26 (E) the person, in committing a violation of

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

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

15 (2) Except as provided in this paragraph (2) and in
16 paragraphs (3) and (4) of subsection (c-1), a person
17 convicted of aggravated driving under the influence of
18 alcohol, other drug or drugs, or intoxicating compound or
19 compounds, or any combination thereof is guilty of a Class
20 4 felony. For a violation of subparagraph (C) of paragraph
21 (1) of this subsection (d), the defendant, if sentenced to
22 a term of imprisonment, shall be sentenced to not less than
23 one year nor more than 12 years. Except as provided in
24 paragraph (4) of subsection (c-1), aggravated driving
25 under the influence of alcohol, other drug, or drugs,
26 intoxicating compounds or compounds, or any combination

1 thereof as defined in subparagraph (A) of paragraph (1) of
2 this subsection (d) is a Class 2 felony. Aggravated driving
3 under the influence of alcohol, other drug or drugs, or
4 intoxicating compound or compounds, or any combination
5 thereof as defined in subparagraph (F) of paragraph (1) of
6 this subsection (d) is a Class 2 felony, for which the
7 defendant, if sentenced to a term of imprisonment, shall be
8 sentenced to: (A) a term of imprisonment of not less than 3
9 years and not more than 14 years if the violation resulted
10 in the death of one person; or (B) a term of imprisonment
11 of not less than 6 years and not more than 28 years if the
12 violation resulted in the deaths of 2 or more persons. For
13 any prosecution under this subsection (d), a certified copy
14 of the driving abstract of the defendant shall be admitted
15 as proof of any prior conviction. Any person sentenced
16 under this subsection (d) who receives a term of probation
17 or conditional discharge must serve a minimum term of
18 either 480 hours of community service or 10 days of
19 imprisonment as a condition of the probation or conditional
20 discharge. This mandatory minimum term of imprisonment or
21 assignment of community service may not be suspended or
22 reduced by the court.

23 (e) After a finding of guilt and prior to any final
24 sentencing, or an order for supervision, for an offense based
25 upon an arrest for a violation of this Section or a similar
26 provision of a local ordinance, individuals shall be required

1 to undergo a professional evaluation to determine if an
2 alcohol, drug, or intoxicating compound abuse problem exists
3 and the extent of the problem, and undergo the imposition of
4 treatment as appropriate. Programs conducting these
5 evaluations shall be licensed by the Department of Human
6 Services. The cost of any professional evaluation shall be paid
7 for by the individual required to undergo the professional
8 evaluation.

9 (e-1) Any person who is found guilty of or pleads guilty to
10 violating this Section, including any person receiving a
11 disposition of court supervision for violating this Section,
12 may be required by the Court to attend a victim impact panel
13 offered by, or under contract with, a County State's Attorney's
14 office, a probation and court services department, Mothers
15 Against Drunk Driving, or the Alliance Against Intoxicated
16 Motorists. All costs generated by the victim impact panel shall
17 be paid from fees collected from the offender or as may be
18 determined by the court.

19 (f) Every person found guilty of violating this Section,
20 whose operation of a motor vehicle while in violation of this
21 Section proximately caused any incident resulting in an
22 appropriate emergency response, shall be liable for the expense
23 of an emergency response as provided under Section 5-5-3 of the
24 Unified Code of Corrections.

25 (g) The Secretary of State shall revoke the driving
26 privileges of any person convicted under this Section or a

1 similar provision of a local ordinance.

2 (h) (Blank).

3 (i) The Secretary of State shall require the use of
4 ignition interlock devices on all vehicles owned by an
5 individual who has been convicted of a second or subsequent
6 offense of this Section or a similar provision of a local
7 ordinance. The Secretary shall establish by rule and regulation
8 the procedures for certification and use of the interlock
9 system.

10 (j) In addition to any other penalties and liabilities, a
11 person who is found guilty of or pleads guilty to violating
12 subsection (a), including any person placed on court
13 supervision for violating subsection (a), shall be fined \$500,
14 payable to the circuit clerk, who shall distribute the money as
15 follows: 20% to the law enforcement agency that made the arrest
16 and 80% shall be forwarded to the State Treasurer for deposit
17 into the General Revenue Fund. If the person has been
18 previously convicted of violating subsection (a) or a similar
19 provision of a local ordinance, the fine shall be \$1,000. In
20 the event that more than one agency is responsible for the
21 arrest, the amount payable to law enforcement agencies shall be
22 shared equally. Any moneys received by a law enforcement agency
23 under this subsection (j) shall be used for enforcement and
24 prevention of driving while under the influence of alcohol,
25 other drug or drugs, intoxicating compound or compounds or any
26 combination thereof, as defined by this Section, including but

1 not limited to the purchase of law enforcement equipment and
2 commodities that will assist in the prevention of alcohol
3 related criminal violence throughout the State; police officer
4 training and education in areas related to alcohol related
5 crime, including but not limited to DUI training; and police
6 officer salaries, including but not limited to salaries for
7 hire back funding for safety checkpoints, saturation patrols,
8 and liquor store sting operations. Equipment and commodities
9 shall include, but are not limited to, in-car video cameras,
10 radar and laser speed detection devices, and alcohol breath
11 testers. Any moneys received by the Department of State Police
12 under this subsection (j) shall be deposited into the State
13 Police DUI Fund and shall be used for enforcement and
14 prevention of driving while under the influence of alcohol,
15 other drug or drugs, intoxicating compound or compounds or any
16 combination thereof, as defined by this Section, including but
17 not limited to the purchase of law enforcement equipment and
18 commodities that will assist in the prevention of alcohol
19 related criminal violence throughout the State; police officer
20 training and education in areas related to alcohol related
21 crime, including but not limited to DUI training; and police
22 officer salaries, including but not limited to salaries for
23 hire back funding for safety checkpoints, saturation patrols,
24 and liquor store sting operations.

25 (k) The Secretary of State Police DUI Fund is created as a
26 special fund in the State treasury. All moneys received by the

1 Secretary of State Police under subsection (j) of this Section
2 shall be deposited into the Secretary of State Police DUI Fund
3 and, subject to appropriation, shall be used for enforcement
4 and prevention of driving while under the influence of alcohol,
5 other drug or drugs, intoxicating compound or compounds or any
6 combination thereof, as defined by this Section, including but
7 not limited to the purchase of law enforcement equipment and
8 commodities to assist in the prevention of alcohol related
9 criminal violence throughout the State; police officer
10 training and education in areas related to alcohol related
11 crime, including but not limited to DUI training; and police
12 officer salaries, including but not limited to salaries for
13 hire back funding for safety checkpoints, saturation patrols,
14 and liquor store sting operations.

15 (1) Whenever an individual is sentenced for an offense
16 based upon an arrest for a violation of subsection (a) or a
17 similar provision of a local ordinance, and the professional
18 evaluation recommends remedial or rehabilitative treatment or
19 education, neither the treatment nor the education shall be the
20 sole disposition and either or both may be imposed only in
21 conjunction with another disposition. The court shall monitor
22 compliance with any remedial education or treatment
23 recommendations contained in the professional evaluation.
24 Programs conducting alcohol or other drug evaluation or
25 remedial education must be licensed by the Department of Human
26 Services. If the individual is not a resident of Illinois,

1 however, the court may accept an alcohol or other drug
2 evaluation or remedial education program in the individual's
3 state of residence. Programs providing treatment must be
4 licensed under existing applicable alcoholism and drug
5 treatment licensure standards.

6 (m) In addition to any other fine or penalty required by
7 law, an individual convicted of a violation of subsection (a),
8 Section 5-7 of the Snowmobile Registration and Safety Act,
9 Section 5-16 of the Boat Registration and Safety Act, or a
10 similar provision, whose operation of a motor vehicle,
11 snowmobile, or watercraft while in violation of subsection (a),
12 Section 5-7 of the Snowmobile Registration and Safety Act,
13 Section 5-16 of the Boat Registration and Safety Act, or a
14 similar provision proximately caused an incident resulting in
15 an appropriate emergency response, shall be required to make
16 restitution to a public agency for the costs of that emergency
17 response. The restitution may not exceed \$1,000 per public
18 agency for each emergency response. As used in this subsection
19 (m), "emergency response" means any incident requiring a
20 response by a police officer, a firefighter carried on the
21 rolls of a regularly constituted fire department, or an
22 ambulance.

23 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;
24 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;
25 93-840, eff. 7-30-04; 94-116, eff. 1-1-06; 94-963, eff.
26 6-28-06.)

1 (Text of Section from P.A. 94-329 and 94-963)

2 Sec. 11-501. Driving while under the influence of alcohol,
3 other drug or drugs, intoxicating compound or compounds or any
4 combination thereof.

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

7 (1) the alcohol concentration in the person's blood or
8 breath is 0.08 or more based on the definition of blood and
9 breath units in Section 11-501.2;

10 (2) under the influence of alcohol;

11 (3) under the influence of any intoxicating compound or
12 combination of intoxicating compounds to a degree that
13 renders the person incapable of driving safely;

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

17 (5) under the combined influence of alcohol, other drug
18 or drugs, or intoxicating compound or compounds to a degree
19 that renders the person incapable of safely driving; or

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

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

6 (b-1) With regard to penalties imposed under this Section:

7 (1) Any reference to a prior violation of subsection
8 (a) or a similar provision includes any violation of a
9 provision of a local ordinance or a provision of a law of
10 another state that is similar to a violation of subsection
11 (a) of this Section.

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

16 (b-2) Except as otherwise provided in this Section, any
17 person convicted of violating subsection (a) of this Section is
18 guilty of a Class A misdemeanor.

19 (b-3) In addition to any other criminal or administrative
20 sanction for any second conviction of violating subsection (a)
21 or a similar provision committed within 5 years of a previous
22 violation of subsection (a) or a similar provision, the
23 defendant shall be sentenced to a mandatory minimum of 5 days
24 of imprisonment or assigned a mandatory minimum of 240 hours of
25 community service as may be determined by the court.

26 (b-4) In the case of a third or subsequent violation

1 committed within 5 years of a previous violation of subsection
2 (a) or a similar provision, in addition to any other criminal
3 or administrative sanction, a mandatory minimum term of either
4 10 days of imprisonment or 480 hours of community service shall
5 be imposed.

6 (b-5) The imprisonment or assignment of community service
7 under subsections (b-3) and (b-4) shall not be subject to
8 suspension, nor shall the person be eligible for a reduced
9 sentence.

10 (c) (Blank).

11 (c-1) (1) A person who violates subsection (a) during a
12 period in which his or her driving privileges are revoked
13 or suspended, where the revocation or suspension was for a
14 violation of subsection (a), Section 11-501.1, paragraph
15 (b) of Section 11-401, or for reckless homicide as defined
16 in Section 9-3 of the Criminal Code of 1961 is guilty of
17 aggravated driving under the influence of alcohol, other
18 drug or drugs, intoxicating compound or compounds, or any
19 combination thereof and is guilty of a Class 4 felony.

20 (2) A person who violates subsection (a) a third time,
21 if the third violation occurs during a period in which his
22 or her driving privileges are revoked or suspended where
23 the revocation or suspension was for a violation of
24 subsection (a), Section 11-501.1, paragraph (b) of Section
25 11-401, or for reckless homicide as defined in Section 9-3
26 of the Criminal Code of 1961, is guilty of aggravated

1 driving under the influence of alcohol, other drug or
2 drugs, intoxicating compound or compounds, or any
3 combination thereof and is guilty of a Class 3 felony.

4 (2.1) A person who violates subsection (a) a third
5 time, if the third violation occurs during a period in
6 which his or her driving privileges are revoked or
7 suspended where the revocation or suspension was for a
8 violation of subsection (a), Section 11-501.1, subsection
9 (b) of Section 11-401, or for reckless homicide as defined
10 in Section 9-3 of the Criminal Code of 1961, is guilty of
11 aggravated driving under the influence of alcohol, other
12 drug or drugs, intoxicating compound or compounds, or any
13 combination thereof and is guilty of a Class 3 felony; and
14 if the person receives a term of probation or conditional
15 discharge, he or she shall be required to serve a mandatory
16 minimum of 10 days of imprisonment or shall be assigned a
17 mandatory minimum of 480 hours of community service, as may
18 be determined by the court, as a condition of the probation
19 or conditional discharge. This mandatory minimum term of
20 imprisonment or assignment of community service shall not
21 be suspended or reduced by the court.

22 (2.2) A person who violates subsection (a), if the
23 violation occurs during a period in which his or her
24 driving privileges are revoked or suspended where the
25 revocation or suspension was for a violation of subsection
26 (a) or Section 11-501.1, is guilty of aggravated driving

1 under the influence of alcohol, other drug or drugs,
2 intoxicating compound or compounds, or any combination
3 thereof and shall also be sentenced to an additional
4 mandatory minimum term of 30 consecutive days of
5 imprisonment, 40 days of 24-hour periodic imprisonment, or
6 720 hours of community service, as may be determined by the
7 court. This mandatory term of imprisonment or assignment of
8 community service shall not be suspended or reduced by the
9 court.

10 (3) A person who violates subsection (a) a fourth or
11 subsequent time, if the fourth or subsequent violation
12 occurs during a period in which his or her driving
13 privileges are revoked or suspended where the revocation or
14 suspension was for a violation of subsection (a), Section
15 11-501.1, paragraph (b) of Section 11-401, or for reckless
16 homicide as defined in Section 9-3 of the Criminal Code of
17 1961, is guilty of aggravated driving under the influence
18 of alcohol, other drug or drugs, intoxicating compound or
19 compounds, or any combination thereof and is guilty of a
20 Class 2 felony, and is not eligible for a sentence of
21 probation or conditional discharge.

22 (c-2) (Blank).

23 (c-3) (Blank).

24 (c-4) (Blank).

25 (c-5) A person who violates subsection (a), if the person
26 was transporting a person under the age of 16 at the time of

1 the violation, is subject to an additional mandatory minimum
2 fine of \$1,000, an additional mandatory minimum 140 hours of
3 community service, which shall include 40 hours of community
4 service in a program benefiting children, and an additional 2
5 days of imprisonment. The imprisonment or assignment of
6 community service under this subsection (c-5) is not subject to
7 suspension, nor is the person eligible for a reduced sentence.

8 (c-6) Except as provided in subsections (c-7) and (c-8) a
9 person who violates subsection (a) a second time, if at the
10 time of the second violation the person was transporting a
11 person under the age of 16, is subject to an additional 10 days
12 of imprisonment, an additional mandatory minimum fine of
13 \$1,000, and an additional mandatory minimum 140 hours of
14 community service, which shall include 40 hours of community
15 service in a program benefiting children. The imprisonment or
16 assignment of community service under this subsection (c-6) is
17 not subject to suspension, nor is the person eligible for a
18 reduced sentence.

19 (c-7) Except as provided in subsection (c-8), any person
20 convicted of violating subsection (c-6) or a similar provision
21 within 10 years of a previous violation of subsection (a) or a
22 similar provision shall receive, in addition to any other
23 penalty imposed, a mandatory minimum 12 days imprisonment, an
24 additional 40 hours of mandatory community service in a program
25 benefiting children, and a mandatory minimum fine of \$1,750.
26 The imprisonment or assignment of community service under this

1 subsection (c-7) is not subject to suspension, nor is the
2 person eligible for a reduced sentence.

3 (c-8) Any person convicted of violating subsection (c-6) or
4 a similar provision within 5 years of a previous violation of
5 subsection (a) or a similar provision shall receive, in
6 addition to any other penalty imposed, an additional 80 hours
7 of mandatory community service in a program benefiting
8 children, an additional mandatory minimum 12 days of
9 imprisonment, and a mandatory minimum fine of \$1,750. The
10 imprisonment or assignment of community service under this
11 subsection (c-8) is not subject to suspension, nor is the
12 person eligible for a reduced sentence.

13 (c-9) Any person convicted a third time for violating
14 subsection (a) or a similar provision, if at the time of the
15 third violation the person was transporting a person under the
16 age of 16, is guilty of a Class 4 felony and shall receive, in
17 addition to any other penalty imposed, an additional mandatory
18 fine of \$1,000, an additional mandatory 140 hours of community
19 service, which shall include 40 hours in a program benefiting
20 children, and a mandatory minimum 30 days of imprisonment. The
21 imprisonment or assignment of community service under this
22 subsection (c-9) is not subject to suspension, nor is the
23 person eligible for a reduced sentence.

24 (c-10) Any person convicted of violating subsection (c-9)
25 or a similar provision a third time within 20 years of a
26 previous violation of subsection (a) or a similar provision is

1 guilty of a Class 4 felony and shall receive, in addition to
2 any other penalty imposed, an additional mandatory 40 hours of
3 community service in a program benefiting children, an
4 additional mandatory fine of \$3,000, and a mandatory minimum
5 120 days of imprisonment. The imprisonment or assignment of
6 community service under this subsection (c-10) is not subject
7 to suspension, nor is the person eligible for a reduced
8 sentence.

9 (c-11) Any person convicted a fourth or subsequent time for
10 violating subsection (a) or a similar provision, if at the time
11 of the fourth or subsequent violation the person was
12 transporting a person under the age of 16, and if the person's
13 3 prior violations of subsection (a) or a similar provision
14 occurred while transporting a person under the age of 16 or
15 while the alcohol concentration in his or her blood, breath, or
16 urine was 0.16 or more based on the definition of blood,
17 breath, or urine units in Section 11-501.2, is guilty of a
18 Class 2 felony, is not eligible for probation or conditional
19 discharge, and is subject to a minimum fine of \$3,000.

20 (c-12) Any person convicted of a first violation of
21 subsection (a) or a similar provision, if the alcohol
22 concentration in his or her blood, breath, or urine was 0.16 or
23 more based on the definition of blood, breath, or urine units
24 in Section 11-501.2, shall be subject, in addition to any other
25 penalty that may be imposed, to a mandatory minimum of 100
26 hours of community service and a mandatory minimum fine of

1 \$500.

2 (c-13) Any person convicted of a second violation of
3 subsection (a) or a similar provision committed within 10 years
4 of a previous violation of subsection (a) or a similar
5 provision committed within 10 years of a previous violation of
6 subsection (a) or a similar provision, if at the time of the
7 second violation of subsection (a) the alcohol concentration in
8 his or her blood, breath, or urine was 0.16 or more based on
9 the definition of blood, breath, or urine units in Section
10 11-501.2, shall be subject, in addition to any other penalty
11 that may be imposed, to a mandatory minimum of 2 days of
12 imprisonment and a mandatory minimum fine of \$1,250.

13 (c-14) Any person convicted of a third violation of
14 subsection (a) or a similar provision within 20 years of a
15 previous violation of subsection (a) or a similar provision, if
16 at the time of the third violation of subsection (a) or a
17 similar provision the alcohol concentration in his or her
18 blood, breath, or urine was 0.16 or more based on the
19 definition of blood, breath, or urine units in Section
20 11-501.2, is guilty of a Class 4 felony and shall be subject,
21 in addition to any other penalty that may be imposed, to a
22 mandatory minimum of 90 days of imprisonment and a mandatory
23 minimum fine of \$2,500.

24 (c-15) Any person convicted of a fourth or subsequent
25 violation of subsection (a) or a similar provision, if at the
26 time of the fourth or subsequent violation the alcohol

1 concentration in his or her blood, breath, or urine was 0.16 or
2 more based on the definition of blood, breath, or urine units
3 in Section 11-501.2, and if the person's 3 prior violations of
4 subsection (a) or a similar provision occurred while
5 transporting a person under the age of 16 or while the alcohol
6 concentration in his or her blood, breath, or urine was 0.16 or
7 more based on the definition of blood, breath, or urine units
8 in Section 11-501.2, is guilty of a Class 2 felony and is not
9 eligible for a sentence of probation or conditional discharge
10 and is subject to a minimum fine of \$2,500.

11 (d) (1) Every person convicted of committing a violation of
12 this Section shall be guilty of aggravated driving under
13 the influence of alcohol, other drug or drugs, or
14 intoxicating compound or compounds, or any combination
15 thereof if:

16 (A) the person committed a violation of subsection
17 (a) or a similar provision for the third or subsequent
18 time;

19 (B) the person committed a violation of subsection
20 (a) while driving a school bus with persons 18 years of
21 age or younger on board;

22 (C) the person in committing a violation of
23 subsection (a) was involved in a motor vehicle accident
24 that resulted in great bodily harm or permanent
25 disability or disfigurement to another, when the
26 violation was a proximate cause of the injuries;

1 (D) the person committed a violation of subsection
2 (a) for a second time and has been previously convicted
3 of violating Section 9-3 of the Criminal Code of 1961
4 or a similar provision of a law of another state
5 relating to reckless homicide in which the person was
6 determined to have been under the influence of alcohol,
7 other drug or drugs, or intoxicating compound or
8 compounds as an element of the offense or the person
9 has previously been convicted under subparagraph (C)
10 or subparagraph (F) of this paragraph (1);

11 (E) the person, in committing a violation of
12 subsection (a) while driving at any speed in a school
13 speed zone at a time when a speed limit of 20 miles per
14 hour was in effect under subsection (a) of Section
15 11-605 of this Code, was involved in a motor vehicle
16 accident that resulted in bodily harm, other than great
17 bodily harm or permanent disability or disfigurement,
18 to another person, when the violation of subsection (a)
19 was a proximate cause of the bodily harm; or

20 (F) the person, in committing a violation of
21 subsection (a), was involved in a motor vehicle,
22 snowmobile, all-terrain vehicle, or watercraft
23 accident that resulted in the death of another person,
24 when the violation of subsection (a) was a proximate
25 cause of the death;

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

1 she did not possess a driver's license or permit or a
2 restricted driving permit or a judicial driving permit
3 or a monitoring device driving permit; or

4 (H) the person committed the violation while he or
5 she knew or should have known that the vehicle he or
6 she was driving was not covered by a liability
7 insurance policy.

8 (2) Except as provided in this paragraph (2) and in
9 paragraphs (2), (2.1), and (3) of subsection (c-1), a
10 person convicted of aggravated driving under the influence
11 of alcohol, other drug or drugs, or intoxicating compound
12 or compounds, or any combination thereof is guilty of a
13 Class 4 felony. For a violation of subparagraph (C) of
14 paragraph (1) of this subsection (d), the defendant, if
15 sentenced to a term of imprisonment, shall be sentenced to
16 not less than one year nor more than 12 years. Aggravated
17 driving under the influence of alcohol, other drug or
18 drugs, or intoxicating compound or compounds, or any
19 combination thereof as defined in subparagraph (F) of
20 paragraph (1) of this subsection (d) is a Class 2 felony,
21 for which the defendant, if sentenced to a term of
22 imprisonment, shall be sentenced to: (A) a term of
23 imprisonment of not less than 3 years and not more than 14
24 years if the violation resulted in the death of one person;
25 or (B) a term of imprisonment of not less than 6 years and
26 not more than 28 years if the violation resulted in the

1 deaths of 2 or more persons. For any prosecution under this
2 subsection (d), a certified copy of the driving abstract of
3 the defendant shall be admitted as proof of any prior
4 conviction. Any person sentenced under this subsection (d)
5 who receives a term of probation or conditional discharge
6 must serve a minimum term of either 480 hours of community
7 service or 10 days of imprisonment as a condition of the
8 probation or conditional discharge. This mandatory minimum
9 term of imprisonment or assignment of community service may
10 not be suspended or reduced by the court.

11 (e) After a finding of guilt and prior to any final
12 sentencing, or an order for supervision, for an offense based
13 upon an arrest for a violation of this Section or a similar
14 provision of a local ordinance, individuals shall be required
15 to undergo a professional evaluation to determine if an
16 alcohol, drug, or intoxicating compound abuse problem exists
17 and the extent of the problem, and undergo the imposition of
18 treatment as appropriate. Programs conducting these
19 evaluations shall be licensed by the Department of Human
20 Services. The cost of any professional evaluation shall be paid
21 for by the individual required to undergo the professional
22 evaluation.

23 (e-1) Any person who is found guilty of or pleads guilty to
24 violating this Section, including any person receiving a
25 disposition of court supervision for violating this Section,
26 may be required by the Court to attend a victim impact panel

1 offered by, or under contract with, a County State's Attorney's
2 office, a probation and court services department, Mothers
3 Against Drunk Driving, or the Alliance Against Intoxicated
4 Motorists. All costs generated by the victim impact panel shall
5 be paid from fees collected from the offender or as may be
6 determined by the court.

7 (f) Every person found guilty of violating this Section,
8 whose operation of a motor vehicle while in violation of this
9 Section proximately caused any incident resulting in an
10 appropriate emergency response, shall be liable for the expense
11 of an emergency response as provided under Section 5-5-3 of the
12 Unified Code of Corrections.

13 (g) The Secretary of State shall revoke the driving
14 privileges of any person convicted under this Section or a
15 similar provision of a local ordinance.

16 (h) (Blank).

17 (i) The Secretary of State shall require the use of
18 ignition interlock devices on all vehicles owned by an
19 individual who has been convicted of a second or subsequent
20 offense of this Section or a similar provision of a local
21 ordinance. The Secretary shall establish by rule and regulation
22 the procedures for certification and use of the interlock
23 system.

24 (j) In addition to any other penalties and liabilities, a
25 person who is found guilty of or pleads guilty to violating
26 subsection (a), including any person placed on court

1 supervision for violating subsection (a), shall be fined \$500,
2 payable to the circuit clerk, who shall distribute the money as
3 follows: 20% to the law enforcement agency that made the arrest
4 and 80% shall be forwarded to the State Treasurer for deposit
5 into the General Revenue Fund. If the person has been
6 previously convicted of violating subsection (a) or a similar
7 provision of a local ordinance, the fine shall be \$1,000. In
8 the event that more than one agency is responsible for the
9 arrest, the amount payable to law enforcement agencies shall be
10 shared equally. Any moneys received by a law enforcement agency
11 under this subsection (j) shall be used for enforcement and
12 prevention of driving while under the influence of alcohol,
13 other drug or drugs, intoxicating compound or compounds or any
14 combination thereof, as defined by this Section, including but
15 not limited to the purchase of law enforcement equipment and
16 commodities that will assist in the prevention of alcohol
17 related criminal violence throughout the State; police officer
18 training and education in areas related to alcohol related
19 crime, including but not limited to DUI training; and police
20 officer salaries, including but not limited to salaries for
21 hire back funding for safety checkpoints, saturation patrols,
22 and liquor store sting operations. Equipment and commodities
23 shall include, but are not limited to, in-car video cameras,
24 radar and laser speed detection devices, and alcohol breath
25 testers. Any moneys received by the Department of State Police
26 under this subsection (j) shall be deposited into the State

1 Police DUI Fund and shall be used for enforcement and
2 prevention of driving while under the influence of alcohol,
3 other drug or drugs, intoxicating compound or compounds or any
4 combination thereof, as defined by this Section, including but
5 not limited to the purchase of law enforcement equipment and
6 commodities that will assist in the prevention of alcohol
7 related criminal violence throughout the State; police officer
8 training and education in areas related to alcohol related
9 crime, including but not limited to DUI training; and police
10 officer salaries, including but not limited to salaries for
11 hire back funding for safety checkpoints, saturation patrols,
12 and liquor store sting operations.

13 (k) The Secretary of State Police DUI Fund is created as a
14 special fund in the State treasury. All moneys received by the
15 Secretary of State Police under subsection (j) of this Section
16 shall be deposited into the Secretary of State Police DUI Fund
17 and, subject to appropriation, shall be used for enforcement
18 and prevention of driving while under the influence of alcohol,
19 other drug or drugs, intoxicating compound or compounds or any
20 combination thereof, as defined by this Section, including but
21 not limited to the purchase of law enforcement equipment and
22 commodities to assist in the prevention of alcohol related
23 criminal violence throughout the State; police officer
24 training and education in areas related to alcohol related
25 crime, including but not limited to DUI training; and police
26 officer salaries, including but not limited to salaries for

1 hire back funding for safety checkpoints, saturation patrols,
2 and liquor store sting operations.

3 (l) Whenever an individual is sentenced for an offense
4 based upon an arrest for a violation of subsection (a) or a
5 similar provision of a local ordinance, and the professional
6 evaluation recommends remedial or rehabilitative treatment or
7 education, neither the treatment nor the education shall be the
8 sole disposition and either or both may be imposed only in
9 conjunction with another disposition. The court shall monitor
10 compliance with any remedial education or treatment
11 recommendations contained in the professional evaluation.
12 Programs conducting alcohol or other drug evaluation or
13 remedial education must be licensed by the Department of Human
14 Services. If the individual is not a resident of Illinois,
15 however, the court may accept an alcohol or other drug
16 evaluation or remedial education program in the individual's
17 state of residence. Programs providing treatment must be
18 licensed under existing applicable alcoholism and drug
19 treatment licensure standards.

20 (m) In addition to any other fine or penalty required by
21 law, an individual convicted of a violation of subsection (a),
22 Section 5-7 of the Snowmobile Registration and Safety Act,
23 Section 5-16 of the Boat Registration and Safety Act, or a
24 similar provision, whose operation of a motor vehicle,
25 snowmobile, or watercraft while in violation of subsection (a),
26 Section 5-7 of the Snowmobile Registration and Safety Act,

1 Section 5-16 of the Boat Registration and Safety Act, or a
2 similar provision proximately caused an incident resulting in
3 an appropriate emergency response, shall be required to make
4 restitution to a public agency for the costs of that emergency
5 response. The restitution may not exceed \$1,000 per public
6 agency for each emergency response. As used in this subsection
7 (m), "emergency response" means any incident requiring a
8 response by a police officer, a firefighter carried on the
9 rolls of a regularly constituted fire department, or an
10 ambulance.

11 (Source: P.A. 93-156, eff. 1-1-04; 93-213, eff. 7-18-03;
12 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05;
13 93-840, eff. 7-30-04; 94-329, eff. 1-1-06; 94-963, eff.
14 6-28-06.)

15 Section 15. The Unified Code of Corrections is amended by
16 changing Section 5-6-1 as follows:

17 (730 ILCS 5/5-6-1) (from Ch. 38, par. 1005-6-1)

18 Sec. 5-6-1. Sentences of Probation and of Conditional
19 Discharge and Disposition of Supervision. The General Assembly
20 finds that in order to protect the public, the criminal justice
21 system must compel compliance with the conditions of probation
22 by responding to violations with swift, certain and fair
23 punishments and intermediate sanctions. The Chief Judge of each
24 circuit shall adopt a system of structured, intermediate

1 sanctions for violations of the terms and conditions of a
2 sentence of probation, conditional discharge or disposition of
3 supervision.

4 (a) Except where specifically prohibited by other
5 provisions of this Code, the court shall impose a sentence of
6 probation or conditional discharge upon an offender unless,
7 having regard to the nature and circumstance of the offense,
8 and to the history, character and condition of the offender,
9 the court is of the opinion that:

10 (1) his imprisonment or periodic imprisonment is
11 necessary for the protection of the public; or

12 (2) probation or conditional discharge would deprecate
13 the seriousness of the offender's conduct and would be
14 inconsistent with the ends of justice; or

15 (3) a combination of imprisonment with concurrent or
16 consecutive probation when an offender has been admitted
17 into a drug court program under Section 20 of the Drug
18 Court Treatment Act is necessary for the protection of the
19 public and for the rehabilitation of the offender.

20 The court shall impose as a condition of a sentence of
21 probation, conditional discharge, or supervision, that the
22 probation agency may invoke any sanction from the list of
23 intermediate sanctions adopted by the chief judge of the
24 circuit court for violations of the terms and conditions of the
25 sentence of probation, conditional discharge, or supervision,
26 subject to the provisions of Section 5-6-4 of this Act.

1 (b) The court may impose a sentence of conditional
2 discharge for an offense if the court is of the opinion that
3 neither a sentence of imprisonment nor of periodic imprisonment
4 nor of probation supervision is appropriate.

5 (b-1) Subsections (a) and (b) of this Section do not apply
6 to a defendant charged with a misdemeanor or felony under the
7 Illinois Vehicle Code or reckless homicide under Section 9-3 of
8 the Criminal Code of 1961 if the defendant within the past 12
9 months has been convicted of or pleaded guilty to a misdemeanor
10 or felony under the Illinois Vehicle Code or reckless homicide
11 under Section 9-3 of the Criminal Code of 1961.

12 (c) The court may, upon a plea of guilty or a stipulation
13 by the defendant of the facts supporting the charge or a
14 finding of guilt, defer further proceedings and the imposition
15 of a sentence, and enter an order for supervision of the
16 defendant, if the defendant is not charged with: (i) a Class A
17 misdemeanor, as defined by the following provisions of the
18 Criminal Code of 1961: Sections 11-9.1; 12-3.2; 12-15; 26-5;
19 31-1; 31-6; 31-7; subsections (b) and (c) of Section 21-1;
20 paragraph (1) through (5), (8), (10), and (11) of subsection
21 (a) of Section 24-1; (ii) a Class A misdemeanor violation of
22 Section 3.01, 3.03-1, or 4.01 of the Humane Care for Animals
23 Act; or (iii) felony. If the defendant is not barred from
24 receiving an order for supervision as provided in this
25 subsection, the court may enter an order for supervision after
26 considering the circumstances of the offense, and the history,

1 character and condition of the offender, if the court is of the
2 opinion that:

3 (1) the offender is not likely to commit further
4 crimes;

5 (2) the defendant and the public would be best served
6 if the defendant were not to receive a criminal record; and

7 (3) in the best interests of justice an order of
8 supervision is more appropriate than a sentence otherwise
9 permitted under this Code.

10 (d) The provisions of paragraph (c) shall not apply to a
11 defendant charged with violating Section 11-501 of the Illinois
12 Vehicle Code or a similar provision of a local ordinance when
13 the defendant has previously been:

14 (1) convicted for a violation of Section 11-501 of the
15 Illinois Vehicle Code or a similar provision of a local
16 ordinance or any similar law or ordinance of another state;
17 or

18 (2) assigned supervision for a violation of Section
19 11-501 of the Illinois Vehicle Code or a similar provision
20 of a local ordinance or any similar law or ordinance of
21 another state; or

22 (3) pleaded guilty to or stipulated to the facts
23 supporting a charge or a finding of guilty to a violation
24 of Section 11-503 of the Illinois Vehicle Code or a similar
25 provision of a local ordinance or any similar law or
26 ordinance of another state, and the plea or stipulation was

1 the result of a plea agreement.

2 The court shall consider the statement of the prosecuting
3 authority with regard to the standards set forth in this
4 Section.

5 (e) The provisions of paragraph (c) shall not apply to a
6 defendant charged with violating Section 16A-3 of the Criminal
7 Code of 1961 if said defendant has within the last 5 years
8 been:

9 (1) convicted for a violation of Section 16A-3 of the
10 Criminal Code of 1961; or

11 (2) assigned supervision for a violation of Section
12 16A-3 of the Criminal Code of 1961.

13 The court shall consider the statement of the prosecuting
14 authority with regard to the standards set forth in this
15 Section.

16 (f) The provisions of paragraph (c) shall not apply to a
17 defendant charged with violating Sections 15-111, 15-112,
18 15-301, paragraph (b) of Section 6-104, Section 11-605, or
19 Section 11-1414 of the Illinois Vehicle Code or a similar
20 provision of a local ordinance.

21 (g) Except as otherwise provided in paragraph (i) of this
22 Section, the provisions of paragraph (c) shall not apply to a
23 defendant charged with violating Section 3-707, 3-708, 3-710,
24 or 5-401.3 of the Illinois Vehicle Code or a similar provision
25 of a local ordinance if the defendant has within the last 5
26 years been:

1 (1) convicted for a violation of Section 3-707, 3-708,
2 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar
3 provision of a local ordinance; or

4 (2) assigned supervision for a violation of Section
5 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle
6 Code or a similar provision of a local ordinance.

7 The court shall consider the statement of the prosecuting
8 authority with regard to the standards set forth in this
9 Section.

10 (h) The provisions of paragraph (c) shall not apply to a
11 defendant under the age of 21 years charged with violating a
12 serious traffic offense as defined in Section 1-187.001 of the
13 Illinois Vehicle Code:

14 (1) unless the defendant, upon payment of the fines,
15 penalties, and costs provided by law, agrees to attend and
16 successfully complete a traffic safety program approved by
17 the court under standards set by the Conference of Chief
18 Circuit Judges. The accused shall be responsible for
19 payment of any traffic safety program fees. If the accused
20 fails to file a certificate of successful completion on or
21 before the termination date of the supervision order, the
22 supervision shall be summarily revoked and conviction
23 entered. The provisions of Supreme Court Rule 402 relating
24 to pleas of guilty do not apply in cases when a defendant
25 enters a guilty plea under this provision; or

26 (2) if the defendant has previously been sentenced

1 under the provisions of paragraph (c) on or after January
2 1, 1998 for any serious traffic offense as defined in
3 Section 1-187.001 of the Illinois Vehicle Code.

4 (i) The provisions of paragraph (c) shall not apply to a
5 defendant charged with violating Section 3-707 of the Illinois
6 Vehicle Code or a similar provision of a local ordinance if the
7 defendant has been assigned supervision for a violation of
8 Section 3-707 of the Illinois Vehicle Code or a similar
9 provision of a local ordinance.

10 (j) The provisions of paragraph (c) shall not apply to a
11 defendant charged with violating Section 6-303 of the Illinois
12 Vehicle Code or a similar provision of a local ordinance when
13 the revocation or suspension was for a violation of Section
14 11-501 or a similar provision of a local ordinance, a violation
15 of Section 11-501.1 or paragraph (b) of Section 11-401 of the
16 Illinois Vehicle Code, or a violation of Section 9-3 of the
17 Criminal Code of 1961 if the defendant has within the last 10
18 years been:

19 (1) convicted for a violation of Section 6-303 of the
20 Illinois Vehicle Code or a similar provision of a local
21 ordinance; or

22 (2) assigned supervision for a violation of Section
23 6-303 of the Illinois Vehicle Code or a similar provision
24 of a local ordinance.

25 (k) The provisions of paragraph (c) shall not apply to a
26 defendant charged with violating any provision of the Illinois

1 Vehicle Code or a similar provision of a local ordinance that
2 governs the movement of vehicles if, within the 12 months
3 preceding the date of the defendant's arrest, the defendant has
4 been assigned court supervision on 2 occasions for a violation
5 that governs the movement of vehicles under the Illinois
6 Vehicle Code or a similar provision of a local ordinance.

7 (1) A defendant charged with violating any provision of the
8 Illinois Vehicle Code who, after a court appearance in the same
9 matter, receives a disposition of supervision under subsection
10 (c) shall pay an additional fee of \$20, to be collected as
11 provided in Sections 27.5 and 27.6 of the Clerks of Courts Act.
12 In addition to the \$20 fee, the person shall also pay a fee of
13 \$5, which, if not waived by the court, shall be collected as
14 provided in Sections 27.5 and 27.6 of the Clerks of Courts Act.
15 The \$20 fee shall be disbursed as provided in Section 16-104c
16 of the Illinois Vehicle Code. If the \$5 fee is collected, \$4.50
17 of the fee shall be deposited into the Circuit Court Clerk
18 Operation and Administrative Fund created by the Clerk of the
19 Circuit Court and 50 cents of the fee shall be deposited into
20 the Prisoner Review Board Vehicle and Equipment Fund in the
21 State treasury.

22 (m) The provisions of paragraph (c) shall not apply to a
23 defendant charged with violating Section 6-303 of the Illinois
24 Vehicle Code or a similar provision of a local ordinance when
25 the suspension was for a violation of Section 11-501.1 of the
26 Illinois Vehicle Code and when:

1 (1) at the time of the violation of Section 11-501.1 of
2 the Illinois Vehicle Code, the defendant was a first
3 offender pursuant to Section 11-500 of the Illinois Vehicle
4 Code and the defendant failed to obtain a monitoring device
5 driving permit; or

6 (2) at the time of the violation of Section 11-501.1 of
7 the Illinois Vehicle Code, the defendant was a first
8 offender pursuant to Section 11-500 of the Illinois Vehicle
9 Code, had subsequently obtained a monitoring device
10 driving permit, but was driving a vehicle not equipped with
11 a breath alcohol ignition interlock device as defined in
12 Section 1-129.1 of the Illinois Vehicle Code.

13 (Source: P.A. 93-388, eff. 7-25-03; 93-1014, eff. 1-1-05;
14 94-169, eff. 1-1-06; 94-330, eff. 1-1-06; 94-375, eff. 1-1-06;
15 94-1009, eff. 1-1-07.)

16 Section 99. Effective date. This Act takes effect on
17 January 1, 2009.