

1 AN ACT to amend the Illinois Vehicle Code by changing  
2 Section 11-501.

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

5 Section 5. The Illinois Vehicle Code is amended by  
6 changing Section 11-501 as follows:

7 (625 ILCS 5/11-501) (from Ch. 95 1/2, par. 11-501)

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

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

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

16 (2) under the influence of alcohol;

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

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

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

28 (6) there is any amount of a drug, substance, or  
29 compound in the person's breath, blood, or urine  
30 resulting from the unlawful use or consumption of  
31 cannabis listed in the Cannabis Control Act, a controlled

1 substance listed in the Illinois Controlled Substances  
2 Act, or an intoxicating compound listed in the Use of  
3 Intoxicating Compounds Act.

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

9 (c) Except as provided under subsection paragraphs-(e-3)  
10 and (d) of this Section, every person convicted of violating  
11 this Section or a similar provision of a local ordinance,  
12 shall be guilty of a Class A misdemeanor and, in addition to  
13 any other criminal or administrative action, for any second  
14 conviction of violating this Section or a similar provision  
15 of a law of another state or local ordinance committed within  
16 5 years of a previous violation of this Section or a similar  
17 provision of a local ordinance shall be mandatorily sentenced  
18 to a minimum of 48 consecutive hours of imprisonment or  
19 assigned to a minimum of 100 hours of community service as  
20 may be determined by the court. ~~Every--person--convicted--of~~  
21 ~~violating--this--Section--or--a--similar-provision-of-a-local~~  
22 ~~ordinance--shall-be-subject-to-a--mandatory--minimum--fine--of~~  
23 ~~\$500--and--a--mandatory--5--days--of--community--service--in--a--program~~  
24 ~~benefiting--children--if--the--person--committed--a--violation--of~~  
25 ~~paragraph--(a)--or--a--similar--provision--of--a--local--ordinance~~  
26 ~~while--transporting--a--person--under--age--16.--Every--person~~  
27 ~~convicted--a--second--time--for--violating--this--Section--or--a~~  
28 ~~similar--provision--of--a--local--ordinance--within--5--years--of--a~~  
29 ~~previous--violation--of--this--Section--or--a--similar--provision--of~~  
30 ~~a--law--of--another--state--or--local--ordinance--shall--be--subject--to~~  
31 ~~a--mandatory--minimum--fine--of--\$500--and--10--days--of--mandatory~~  
32 ~~community--service--in--a--program--benefiting--children--if--the~~  
33 ~~current--offense--was--committed--while--transporting--a--person~~  
34 ~~under--age--16.~~ The imprisonment or assignment under this

1 subsection shall not be subject to suspension nor shall the  
2 person be eligible for probation in order to reduce the  
3 sentence or assignment.

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

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

17 (3) A person who violates this Section a fourth or  
18 subsequent time during a period in which his or her  
19 driving privileges are revoked or suspended where the  
20 revocation or suspension was for a violation of this  
21 Section, Section 11-501.1, paragraph (b) of Section  
22 11-401, or Section 9-3 of the Criminal Code of 1961 is  
23 guilty of a Class 2 felony.

24 (c-2) (Blank).

25 (c-3) (Blank) ~~Every person convicted of violating this~~  
26 ~~Section or a similar provision of a local ordinance who had a~~  
27 ~~child under age 16 in the vehicle at the time of the offense~~  
28 ~~shall have his or her punishment under this Act enhanced by 2~~  
29 ~~days of imprisonment for a first offense, 10 days of~~  
30 ~~imprisonment for a second offense, 30 days of imprisonment~~  
31 ~~for a third offense, and 90 days of imprisonment for a fourth~~  
32 ~~or subsequent offense, in addition to the fine and community~~  
33 ~~service required under subsection (c) and the possible~~  
34 ~~imprisonment required under subsection (d). The imprisonment~~

1 ~~er-assignment-under-this-subsection-shall-not-be--subject--to~~  
 2 ~~suspension--nor-shall-the-person-be-eligible-for-probation-in~~  
 3 ~~order-to-reduce-the-sentence-or-assignment.~~

4 (d) (1) Every person convicted of committing a violation  
 5 of 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 this  
 10 Section, or a similar provision of a law of another state  
 11 or a local ordinance when the cause of action is the same  
 12 as or substantially similar to this Section, for the  
 13 third or subsequent time;

14 (B) the person committed a violation of paragraph  
 15 (a) while driving a school bus with children on board;

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

21 (D) the person committed a violation of paragraph  
 22 (a) for a second time and has been previously convicted  
 23 of violating Section 9-3 of the Criminal Code of 1961  
 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  
 27 compounds as an element of the offense or the person has  
 28 previously been convicted under subparagraph (C) of this  
 29 paragraph (1); or-

30 (E) the person had a child under age 16 in the  
 31 vehicle at the time of the offense.

32 (2) Aggravated driving under the influence of alcohol,  
 33 other drug or drugs, or intoxicating compound or compounds,  
 34 or any combination thereof is a Class 4 felony for which a

1 person, if sentenced to a term of imprisonment, shall be  
2 sentenced to not less than one year and not more than 3 years  
3 for a violation of subparagraph (A), (B), ~~or (D)~~, or (E) of  
4 paragraph (1) of this subsection (d) and not less than one  
5 year and not more than 12 years for a violation of  
6 subparagraph (C) of paragraph (1) of this subsection (d). For  
7 any prosecution under this subsection (d), a certified copy  
8 of the driving abstract of the defendant shall be admitted as  
9 proof of any prior conviction.

10 (3) Every person convicted of violating subparagraph (E)  
11 of paragraph (1) of this subsection (d) shall be subject to a  
12 mandatory minimum fine of \$500 and a mandatory 5 days of  
13 community service in a program benefiting children. Every  
14 person convicted a second time for violating subparagraph (E)  
15 of paragraph (1) of this subsection (d) within 5 years of a  
16 previous violation of this Section or a similar provision of  
17 a law of another state or local ordinance shall be subject to  
18 a mandatory minimum fine of \$500 and 10 days of mandatory  
19 community service in a program benefiting children. The  
20 assignment under this paragraph (3) shall not be subject to  
21 suspension nor shall the person be eligible for probation in  
22 order to reduce the assignment.

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  
27 to undergo a professional evaluation to determine if an  
28 alcohol, drug, or intoxicating compound abuse problem exists  
29 and the extent of the problem. Programs conducting these  
30 evaluations shall be licensed by the Department of Human  
31 Services. The cost of any professional evaluation shall be  
32 paid for by the individual required to undergo the  
33 professional evaluation.

34 (f) Every person found guilty of violating this Section,

1 whose operation of a motor vehicle while in violation of this  
2 Section proximately caused any incident resulting in an  
3 appropriate emergency response, shall be liable for the  
4 expense of an emergency response as provided under Section  
5 5-5-3 of the Unified Code of Corrections.

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

9 (h) Every person sentenced under subsection (d) of this  
10 Section and who receives a term of probation or conditional  
11 discharge shall be required to serve a minimum term of either  
12 30 days community service or, beginning July 1, 1993, 48  
13 consecutive hours of imprisonment as a condition of the  
14 probation or conditional discharge. This mandatory minimum  
15 term of imprisonment or assignment of community service shall  
16 not be suspended and shall not be subject to reduction by the  
17 court.

18 (i) The Secretary of State may use ignition interlock  
19 device requirements when granting driving relief to  
20 individuals who have been arrested for a second or subsequent  
21 offense of this Section or a similar provision of a local  
22 ordinance. The Secretary shall establish by rule and  
23 regulation the procedures for use of the interlock system.

24 (j) In addition to any other penalties and liabilities,  
25 a person who is found guilty of or pleads guilty to violating  
26 this Section, including any person placed on court  
27 supervision for violating this Section, shall be fined \$100,  
28 payable to the circuit clerk, who shall distribute the money  
29 to the law enforcement agency that made the arrest. In the  
30 event that more than one agency is responsible for the  
31 arrest, the \$100 shall be shared equally. Any moneys  
32 received by a law enforcement agency under this subsection

33 (j) shall be used to purchase law enforcement equipment that  
34 will assist in the prevention of alcohol related criminal

1 violence throughout the State. This shall include, but is  
2 not limited to, in-car video cameras, radar and laser speed  
3 detection devices, and alcohol breath testers. Any moneys  
4 received by the Department of State Police under this  
5 subsection (j) shall be deposited into the State Police DUI  
6 Fund and shall be used to purchase law enforcement equipment  
7 that will assist in the prevention of alcohol related  
8 criminal violence throughout the State.

9 (Source: P.A. 90-43, eff. 7-2-97; 90-400, eff. 8-15-97;  
10 90-611, eff. 1-1-99; 90-655, eff. 7-30-98; 90-738, eff.  
11 1-1-99; 90-779, eff. 1-1-99; 91-126, eff. 7-16-99; 91-357,  
12 eff. 7-29-99; 91-692, eff. 4-13-00; 91-822, eff. 6-13-00.)

13 Section 99. Effective date. This Act takes effect upon  
14 becoming law.