

1 AMENDMENT TO HOUSE BILL 2265

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2265 as follows:

3 by replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The State Finance Act is amended by adding  
6 Section 5.545 as follows:

7 (30 ILCS 105/5.545 new)

8 Sec. 5.545. The Secretary of State DUI Administration  
9 Fund.

10 Section 10. The Illinois Vehicle Code is amended by  
11 changing Sections 2-118, 3-402, 6-205, 6-206, 6-206.2, 6-208,  
12 and 11-501 as follows:

13 (625 ILCS 5/2-118) (from Ch. 95 1/2, par. 2-118)

14 Sec. 2-118. Hearings.

15 (a) Upon the suspension, revocation or denial of the  
16 issuance of a license, permit, registration or certificate of  
17 title under this Code of any person the Secretary of State  
18 shall immediately notify such person in writing and upon his  
19 written request shall, within 20 days after receipt thereof,

1 set a date for a hearing to commence within 90 calendar days  
2 from the date of the written request for all requests related  
3 to a suspension, revocation, or the denial of the issuance of  
4 a license, permit, registration, or certificate of title  
5 occurring after July 1, 2002 and afford him an opportunity  
6 for a hearing as early as practical, in the County of  
7 Sangamon, the County of Jefferson, or the County of Cook, as  
8 such person may specify, unless both parties agree that such  
9 hearing may be held in some other county. The Secretary may  
10 require the payment of a fee of not more than \$50 for the  
11 filing of any petition, motion, or request for hearing  
12 conducted pursuant to this Section. These fees must be  
13 deposited into the Secretary of State DUI Administration  
14 Fund, a special fund created in the State treasury, and,  
15 subject to appropriation and as directed by the Secretary of  
16 State, shall be used for operation of the Department of  
17 Administrative Hearings of the Office of the Secretary of  
18 State and for no other purpose. The Secretary shall establish  
19 by rule the amount and the procedures, terms, and conditions  
20 relating to these fees.

21 (b) At any time after the suspension, revocation or  
22 denial of a license, permit, registration or certificate of  
23 title of any person as hereinbefore referred to, the  
24 Secretary of State, in his or her discretion and without the  
25 necessity of a request by such person, may hold such a  
26 hearing, upon not less than 10 days' notice in writing, in  
27 the Counties of Sangamon, Jefferson, or Cook or in any other  
28 county agreed to by the parties.

29 (c) Upon any such hearing, the Secretary of State, or  
30 his authorized agent may administer oaths and issue subpoenas  
31 for the attendance of witnesses and the production of  
32 relevant books and records and may require an examination of  
33 such person. Upon any such hearing, the Secretary of State  
34 shall either rescind or, good cause appearing therefor,

1 continue, change or extend the Order of Revocation or  
2 Suspension, or upon petition therefore and subject to the  
3 provisions of this Code, issue a restricted driving permit or  
4 reinstate the license or permit of such person.

5 (d) All hearings and hearing procedures shall comply  
6 with requirements of the Constitution, so that no person is  
7 deprived of due process of law nor denied equal protection of  
8 the laws. All hearings shall be held before the Secretary of  
9 State or before such persons as may be designated by the  
10 Secretary of State and appropriate records of such hearings  
11 shall be kept. Where a transcript of the hearing is taken,  
12 the person requesting the hearing shall have the opportunity  
13 to order a copy thereof at his own expense. The Secretary of  
14 State shall enter an order upon any hearing conducted under  
15 this Section, related to a suspension, revocation, or the  
16 denial of the issuance of a license, permit, registration, or  
17 certificate of title occurring after July 1, 2002, within 90  
18 days of its conclusion and shall immediately notify the  
19 person in writing of his or her action.

20 (e) The action of the Secretary of State in suspending,  
21 revoking or denying any license, permit, registration, or  
22 certificate of title shall be subject to judicial review in  
23 the Circuit Court of Sangamon County, in the Circuit Court of  
24 Jefferson County, or in the Circuit Court of Cook County, and  
25 the provisions of the Administrative Review Law, and all  
26 amendments and modifications thereto, and the rules adopted  
27 pursuant thereto, are hereby adopted and shall apply to and  
28 govern every action for the judicial review of final acts or  
29 decisions of the Secretary of State hereunder.

30 (Source: P.A. 91-823, eff. 1-1-01.)

31 (625 ILCS 5/3-402) (from Ch. 95 1/2, par. 3-402)

32 Sec. 3-402. Vehicles subject to registration;  
33 exceptions.

1           A. Exemptions and Policy. Every motor vehicle, trailer,  
2 semitrailer and pole trailer when driven or moved upon a  
3 highway shall be subject to the registration and certificate  
4 of title provisions of this Chapter except:

5           (1) Any such vehicle driven or moved upon a highway  
6 in conformance with the provisions of this Chapter  
7 relating to manufacturers, transporters, dealers,  
8 lienholders or nonresidents or under a temporary  
9 registration permit issued by the Secretary of State;

10          (2) Any implement of husbandry whether of a type  
11 otherwise subject to registration hereunder or not which  
12 is only incidentally operated or moved upon a highway,  
13 which shall include a not-for-hire movement for the  
14 purpose of delivering farm commodities to a place of  
15 first processing or sale, or to a place of storage;

16          (3) Any special mobile equipment as herein defined;

17          (4) Any vehicle which is propelled exclusively by  
18 electric power obtained from overhead trolley wires  
19 though not operated upon rails;

20          (5) Any vehicle which is equipped and used  
21 exclusively as a pumper, ladder truck, rescue vehicle,  
22 searchlight truck, or other fire apparatus, but not a  
23 vehicle of a type which would otherwise be subject to  
24 registration as a vehicle of the first division;

25          (6) Any vehicle which is owned and operated by the  
26 federal government and externally displays evidence of  
27 federal ownership. It is the policy of the State of  
28 Illinois to promote and encourage the fullest use of its  
29 highways and to enhance the flow of commerce thus  
30 contributing to the economic, agricultural, industrial  
31 and social growth and development of this State, by  
32 authorizing the Secretary of State to negotiate and enter  
33 into reciprocal or proportional agreements or  
34 arrangements with other States, or to issue declarations

1 setting forth reciprocal exemptions, benefits and  
2 privileges with respect to vehicles operated interstate  
3 which are properly registered in this and other States,  
4 assuring nevertheless proper registration of vehicles in  
5 Illinois as may be required by this Code;

6 (7) Any converter dolly or tow dolly which merely  
7 serves as substitute wheels for another legally licensed  
8 vehicle. A title may be issued on a voluntary basis to a  
9 tow dolly upon receipt of the manufacturer's certificate  
10 of origin or the bill of sale;

11 (8) Any house trailer found to be an abandoned  
12 mobile home under the Abandoned Mobile Home Act;

13 (9) Any vehicle that is not properly registered or  
14 does not have registration plates issued to the owner or  
15 operator affixed thereto, or that does have registration  
16 plates issued to the owner or operator affixed thereto  
17 but the plates are not appropriate for the weight of the  
18 vehicle, provided that this exemption shall apply only  
19 while the vehicle is being transported or operated by a  
20 towing service and has a third tow plate affixed to it.

21 B. Reciprocity. Any motor vehicle, trailer, semitrailer  
22 or pole trailer need not be registered under this Code  
23 provided the same is operated interstate and in accordance  
24 with the following provisions and any rules and regulations  
25 promulgated pursuant thereto:

26 (1) A nonresident owner, except as otherwise  
27 provided in this Section, owning any foreign registered  
28 vehicle of a type otherwise subject to registration  
29 hereunder, may operate or permit the operation of such  
30 vehicle within this State in interstate commerce without  
31 registering such vehicle in, or paying any fees to, this  
32 State subject to the condition that such vehicle at all  
33 times when operated in this State is operated pursuant to  
34 a reciprocity agreement, arrangement or declaration by

1 this State, and further subject to the condition that  
2 such vehicle at all times when operated in this State is  
3 duly registered in, and displays upon it, a valid  
4 registration card and registration plate or plates issued  
5 for such vehicle in the place of residence of such owner  
6 and is issued and maintains in such vehicle a valid  
7 Illinois reciprocity permit as required by the Secretary  
8 of State, and provided like privileges are afforded to  
9 residents of this State by the State of residence of such  
10 owner.

11 Every nonresident including any foreign corporation  
12 carrying on business within this State and owning and  
13 regularly operating in such business any motor vehicle,  
14 trailer or semitrailer within this State in intrastate  
15 commerce, shall be required to register each such vehicle  
16 and pay the same fees therefor as is required with  
17 reference to like vehicles owned by residents of this  
18 State.

19 (2) Any motor vehicle, trailer, semitrailer and  
20 pole trailer operated interstate need not be registered  
21 in this State, provided:

22 (a) same is properly registered in another  
23 State pursuant to law or to a reciprocity agreement,  
24 arrangement or declaration; or

25 (b) that such vehicle is part of a fleet of  
26 vehicles owned or operated by the same person who  
27 registers such fleet of vehicles pro rata among the  
28 various States in which such fleet operates; or

29 (c) that such vehicle is part of a fleet of  
30 vehicles, a portion of which are registered with the  
31 Secretary of State of Illinois in accordance with an  
32 agreement or arrangement concurred in by the  
33 Secretary of State of Illinois based on one or more  
34 of the following factors: ratio of miles in Illinois

1 as against total miles in all jurisdictions; situs  
2 or base of a vehicle, or where it is principally  
3 garaged, or from whence it is principally dispatched  
4 or where the movements of such vehicle usually  
5 originate; situs of the residence of the owner or  
6 operator thereof, or of his principal office or  
7 offices, or of his places of business; the routes  
8 traversed and whether regular or irregular routes  
9 are traversed, and the jurisdictions traversed and  
10 served; and such other factors as may be deemed  
11 material by the Secretary and the motor vehicle  
12 administrators of the other jurisdictions involved  
13 in such apportionment; and

14 (d) that such vehicles shall maintain therein  
15 any reciprocity permit which may be required by the  
16 Secretary of State pursuant to rules and regulations  
17 which the Secretary of State may promulgate in the  
18 administration of this Code, in the public interest.

19 (3) (a) In order to effectuate the purposes of this  
20 Code, the Secretary of State of Illinois is  
21 empowered to negotiate and execute written  
22 reciprocal agreements or arrangements with the duly  
23 authorized representatives of other jurisdictions,  
24 including States, districts, territories and  
25 possessions of the United States, and foreign  
26 states, provinces, or countries, granting to owners  
27 or operators of vehicles duly registered or licensed  
28 in such other jurisdictions and for which evidence  
29 of compliance is supplied, benefits, privileges and  
30 exemption from the payment, wholly or partially, of  
31 any taxes, fees or other charges imposed with  
32 respect to the ownership or operation of such  
33 vehicles by the laws of this State except the tax  
34 imposed by the Motor Fuel Tax Law, approved March

1 25, 1929, as amended, and the tax imposed by the Use  
2 Tax Act, approved July 14, 1955, as amended.

3 The Secretary of State may negotiate agreements  
4 or arrangements as are in the best interests of this  
5 State and the residents of this State pursuant to  
6 the policies expressed in this Section taking into  
7 consideration the reciprocal exemptions, benefits  
8 and privileges available and accruing to residents  
9 of this State and vehicles registered in this State.

10 (b) Such reciprocal agreements or arrangements  
11 shall provide that vehicles duly registered or  
12 licensed in this State when operated upon the  
13 highways of such other jurisdictions, shall receive  
14 exemptions, benefits and privileges of a similar  
15 kind or to a similar degree as extended to vehicles  
16 from such jurisdictions in this State.

17 (c) Such agreements or arrangements may also  
18 authorize the apportionment of registration or  
19 licensing of fleets of vehicles operated interstate,  
20 based on any or all of the following factors: ratio  
21 of miles in Illinois as against total miles in all  
22 jurisdictions; situs or base of a vehicle, or where  
23 it is principally garaged or from whence it is  
24 principally dispatched or where the movements of  
25 such vehicle usually originate; situs of the  
26 residence of the owner or operator thereof, or of  
27 his principal office or offices, or of his places of  
28 business; the routes traversed and whether regular  
29 or irregular routes are traversed, and the  
30 jurisdictions traversed and served; and such other  
31 factors as may be deemed material by the Secretary  
32 and the motor vehicle administrators of the other  
33 jurisdictions involved in such apportionment, and  
34 such vehicles shall likewise be entitled to

1 reciprocal exemptions, benefits and privileges.

2 (d) Such agreements or arrangements shall also  
3 provide that vehicles being operated in intrastate  
4 commerce in Illinois shall comply with the  
5 registration and licensing laws of this State,  
6 except that vehicles which are part of an  
7 apportioned fleet may conduct an intrastate  
8 operation incidental to their interstate operations.  
9 Any motor vehicle properly registered and qualified  
10 under any reciprocal agreement or arrangement under  
11 this Code and not having a situs or base within  
12 Illinois may complete the inbound movement of a  
13 trailer or semitrailer to an Illinois destination  
14 that was brought into Illinois by a motor vehicle  
15 also properly registered and qualified under this  
16 Code and not having a situs or base within Illinois,  
17 or may complete an outbound movement of a trailer or  
18 semitrailer to an out-of-state destination that was  
19 originated in Illinois by a motor vehicle also  
20 properly registered and qualified under this Code  
21 and not having a situs or base in Illinois, only if  
22 the operator thereof did not break bulk of the cargo  
23 laden in such inbound or outbound trailer or  
24 semitrailer. Adding or unloading intrastate cargo on  
25 such inbound or outbound trailer or semitrailer  
26 shall be deemed as breaking bulk.

27 (e) Such agreements or arrangements may also  
28 provide for the determination of the proper State in  
29 which leased vehicles shall be registered based on  
30 the factors set out in subsection (c) above and for  
31 apportionment of registration of fleets of leased  
32 vehicles by the lessee or by the lessor who leases  
33 such vehicles to persons who are not fleet  
34 operators.

1           (f) Such agreements or arrangements may also  
2           include reciprocal exemptions, benefits or  
3           privileges accruing under The Illinois Driver  
4           Licensing Law or The Driver License Compact.

5           (4) The Secretary of State is further authorized to  
6           examine the laws and requirements of other jurisdictions,  
7           and, in the absence of a written agreement or  
8           arrangement, to issue a written declaration of the extent  
9           and nature of the exemptions, benefits and privileges  
10          accorded to vehicles of this State by such other  
11          jurisdictions, and the extent and nature of reciprocal  
12          exemptions, benefits and privileges thereby accorded by  
13          this State to the vehicles of such other jurisdictions.  
14          A declaration by the Secretary of State may include any,  
15          part or all reciprocal exemptions, benefits and  
16          privileges or provisions as may be included within an  
17          agreement or arrangement.

18          (5) All agreements, arrangements, declarations and  
19          amendments thereto, shall be in writing and become  
20          effective when signed by the Secretary of State, and  
21          copies of all such documents shall be available to the  
22          public upon request.

23          (6) The Secretary of State is further authorized to  
24          require the display by foreign registered trucks,  
25          truck-tractors and buses, entitled to reciprocal  
26          benefits, exemptions or privileges hereunder, a  
27          reciprocity permit for external display before any such  
28          reciprocal benefits, exemptions or privileges are  
29          granted. The Secretary of State shall provide suitable  
30          application forms for such permit and shall promulgate  
31          and publish reasonable rules and regulations for the  
32          administration and enforcement of the provisions of this  
33          Code including a provision for revocation of such permit  
34          as to any vehicle operated wilfully in violation of the

1 terms of any reciprocal agreement, arrangement or  
2 declaration or in violation of the Illinois Motor Carrier  
3 of Property Law, as amended.

4 (7) (a) Upon the suspension, revocation or denial  
5 of one or more of all reciprocal benefits,  
6 privileges and exemptions existing pursuant to the  
7 terms and provisions of this Code or by virtue of a  
8 reciprocal agreement or arrangement or declaration  
9 thereunder; or, upon the suspension, revocation or  
10 denial of a reciprocity permit; or, upon any action  
11 or inaction of the Secretary in the administration  
12 and enforcement of the provisions of this Code, any  
13 person, resident or nonresident, so aggrieved, may  
14 serve upon the Secretary, a petition in writing and  
15 under oath, setting forth the grievance of the  
16 petitioner, the grounds and basis for the relief  
17 sought, and all necessary facts and particulars, and  
18 request an administrative hearing thereon. Within  
19 20 days, the Secretary shall set a hearing date as  
20 early as practical. The Secretary may, in his  
21 discretion, supply forms for such a petition. The  
22 Secretary may require the payment of a fee of not  
23 more than \$50 for the filing of any petition,  
24 motion, or request for hearing conducted pursuant to  
25 this Section. These fees must be deposited into the  
26 Secretary of State DUI Administration Fund, a  
27 special fund that is hereby created in the State  
28 treasury, and, subject to appropriation and as  
29 directed by the Secretary of State, shall be used to  
30 fund the operation of the hearings department of the  
31 Office of the Secretary of State and for no other  
32 purpose. The Secretary shall establish by rule the  
33 amount and the procedures, terms, and conditions  
34 relating to these fees.

1           (b) The Secretary may likewise, in his  
2 discretion and upon his own petition, order a  
3 hearing, when in his best judgment, any person is  
4 not entitled to the reciprocal benefits, privileges  
5 and exemptions existing pursuant to the terms and  
6 provisions of this Code or under a reciprocal  
7 agreement or arrangement or declaration thereunder  
8 or that a vehicle owned or operated by such person  
9 is improperly registered or licensed, or that an  
10 Illinois resident has improperly registered or  
11 licensed a vehicle in another jurisdiction for the  
12 purposes of violating or avoiding the registration  
13 laws of this State.

14           (c) The Secretary shall notify a petitioner or  
15 any other person involved of such a hearing, by  
16 giving at least 10 days notice, in writing, by U.S.  
17 Mail, Registered or Certified, or by personal  
18 service, at the last known address of such  
19 petitioner or person, specifying the time and place  
20 of such hearing. Such hearing shall be held before  
21 the Secretary, or any person as he may designate,  
22 and unless the parties mutually agree to some other  
23 county in Illinois, the hearing shall be held in the  
24 County of Sangamon or the County of Cook.  
25 Appropriate records of the hearing shall be kept,  
26 and the Secretary shall issue or cause to be issued,  
27 his decision on the case, within 30 days after the  
28 close of such hearing or within 30 days after  
29 receipt of the transcript thereof, and a copy shall  
30 likewise be served or mailed to the petitioner or  
31 person involved.

32           (d) The actions or inactions or  
33 determinations, or findings and decisions upon an  
34 administrative hearing, of the Secretary, shall be

1 subject to judicial review in the Circuit Court of  
2 the County of Sangamon or the County of Cook, and  
3 the provisions of the Administrative Review Law, and  
4 all amendments and modifications thereof and rules  
5 adopted pursuant thereto, apply to and govern all  
6 such reviewable matters.

7 Any reciprocal agreements or arrangements  
8 entered into by the Secretary of State or any  
9 declarations issued by the Secretary of State  
10 pursuant to any law in effect prior to the effective  
11 date of this Code are not hereby abrogated, and such  
12 shall continue in force and effect until amended  
13 pursuant to the provisions of this Code or expire  
14 pursuant to the terms or provisions thereof.

15 (Source: P.A. 89-433, eff. 12-15-95; 90-89, eff. 1-1-98.)

16 (625 ILCS 5/6-205) (from Ch. 95 1/2, par. 6-205)

17 Sec. 6-205. Mandatory revocation of license or permit;  
18 Hardship cases.

19 (a) Except as provided in this Section, the Secretary of  
20 State shall immediately revoke the license or permit of any  
21 driver upon receiving a report of the driver's conviction of  
22 any of the following offenses:

23 1. Reckless homicide resulting from the operation  
24 of a motor vehicle;

25 2. Violation of Section 11-501 of this Code or a  
26 similar provision of a local ordinance relating to the  
27 offense of operating or being in physical control of a  
28 vehicle while under the influence of alcohol, other drug  
29 or drugs, intoxicating compound or compounds, or any  
30 combination thereof;

31 3. Any felony under the laws of any State or the  
32 federal government in the commission of which a motor  
33 vehicle was used;

1           4. Violation of Section 11-401 of this Code  
2 relating to the offense of leaving the scene of a traffic  
3 accident involving death or personal injury;

4           5. Perjury or the making of a false affidavit or  
5 statement under oath to the Secretary of State under this  
6 Code or under any other law relating to the ownership or  
7 operation of motor vehicles;

8           6. Conviction upon 3 charges of violation of  
9 Section 11-503 of this Code relating to the offense of  
10 reckless driving committed within a period of 12 months;

11           7. Conviction of the offense of automobile theft as  
12 defined in Section 4-102 of this Code;

13           8. Violation of Section 11-504 of this Code  
14 relating to the offense of drag racing;

15           9. Violation of Chapters 8 and 9 of this Code;

16           10. Violation of Section 12-5 of the Criminal Code  
17 of 1961 arising from the use of a motor vehicle;

18           11. Violation of Section 11-204.1 of this Code  
19 relating to aggravated fleeing or attempting to elude a  
20 police officer;

21           12. Violation of paragraph (1) of subsection (b) of  
22 Section 6-507, or a similar law of any other state,  
23 relating to the unlawful operation of a commercial motor  
24 vehicle;

25           13. Violation of paragraph (a) of Section 11-502 of  
26 this Code or a similar provision of a local ordinance if  
27 the driver has been previously convicted of a violation  
28 of that Section or a similar provision of a local  
29 ordinance and the driver was less than 21 years of age at  
30 the time of the offense.

31           (b) The Secretary of State shall also immediately revoke  
32 the license or permit of any driver in the following  
33 situations:

34           1. Of any minor upon receiving the notice provided

1 for in Section 5-901 of the Juvenile Court Act of 1987  
2 that the minor has been adjudicated under that Act as  
3 having committed an offense relating to motor vehicles  
4 prescribed in Section 4-103 of this Code;

5 2. Of any person when any other law of this State  
6 requires either the revocation or suspension of a license  
7 or permit.

8 (c) Whenever a person is convicted of any of the  
9 offenses enumerated in this Section, the court may recommend  
10 and the Secretary of State in his discretion, without regard  
11 to whether the recommendation is made by the court may, upon  
12 application, issue to the person a restricted driving permit  
13 granting the privilege of driving a motor vehicle between the  
14 petitioner's residence and petitioner's place of employment  
15 or within the scope of the petitioner's employment related  
16 duties, or to allow transportation for the petitioner or a  
17 household member of the petitioner's family for the receipt  
18 of necessary medical care or, if the professional evaluation  
19 indicates, provide transportation for the petitioner for  
20 alcohol remedial or rehabilitative activity, or for the  
21 petitioner to attend classes, as a student, in an accredited  
22 educational institution; if the petitioner is able to  
23 demonstrate that no alternative means of transportation is  
24 reasonably available and the petitioner will not endanger the  
25 public safety or welfare; provided that the Secretary's  
26 discretion shall be limited to cases where undue hardship  
27 would result from a failure to issue the restricted driving  
28 permit.

29 If a person's license or permit has been revoked or  
30 suspended 2 or more times due to 2 or more convictions within  
31 a 10 year period for Section 11-501 of this Code or similar  
32 provisions of local ordinances or similar out-of-state  
33 offenses, or 2 or more statutory summary suspensions under  
34 Section 11-501.1, or any combination of 2 offenses, or of an

1 offense and a statutory summary suspension, arising out of  
2 separate occurrences, that person, if issued a restricted  
3 driving permit, may not operate a vehicle unless it has been  
4 equipped with an ignition interlock device as defined in  
5 Section 1-129.1. The person must pay to the Secretary of  
6 State DUI Administration Fund an amount not to exceed \$20 per  
7 month. The Secretary shall establish by rule the amount and  
8 the procedures, terms, and conditions relating to these fees.  
9 If the Restricted Driving Permit issued by the Office of  
10 Secretary of State was issued on the basis of hardship, due  
11 to that person's need to travel as a means of employment,  
12 then this provision does not apply to an occupational vehicle  
13 owned or leased by that person's employer. In each case the  
14 Secretary of State may issue a restricted driving permit for  
15 a period he deems appropriate, except that the permit shall  
16 expire within one year from the date of issuance. The  
17 Secretary may not, however, issue a restricted driving permit  
18 to any person whose current revocation is the result of a  
19 second or subsequent conviction for a violation of Section  
20 11-501 of this Code or a similar provision of a local  
21 ordinance relating to the offense of operating or being in  
22 physical control of a motor vehicle while under the influence  
23 of alcohol, other drug or drugs, intoxicating compound or  
24 compounds, or any similar out-of-state offense, or any  
25 combination thereof, until the expiration of at least one  
26 year from the date of the revocation. A restricted driving  
27 permit issued under this Section shall be subject to  
28 cancellation, revocation, and suspension by the Secretary of  
29 State in like manner and for like cause as a driver's license  
30 issued under this Code may be cancelled, revoked, or  
31 suspended; except that a conviction upon one or more offenses  
32 against laws or ordinances regulating the movement of traffic  
33 shall be deemed sufficient cause for the revocation,  
34 suspension, or cancellation of a restricted driving permit.

1 The Secretary of State may, as a condition to the issuance of  
2 a restricted driving permit, require the applicant to  
3 participate in a designated driver remedial or rehabilitative  
4 program. The Secretary of State is authorized to cancel a  
5 restricted driving permit if the permit holder does not  
6 successfully complete the program. However, if an  
7 individual's driving privileges have been revoked in  
8 accordance with paragraph 13 of subsection (a) of this  
9 Section, no restricted driving permit shall be issued until  
10 the individual has served 6 months of the revocation period.

11 (d) Whenever a person under the age of 21 is convicted  
12 under Section 11-501 of this Code or a similar provision of a  
13 local ordinance, the Secretary of State shall revoke the  
14 driving privileges of that person. One year after the date  
15 of revocation, and upon application, the Secretary of State  
16 may, if satisfied that the person applying will not endanger  
17 the public safety or welfare, issue a restricted driving  
18 permit granting the privilege of driving a motor vehicle only  
19 between the hours of 5 a.m. and 9 p.m. or as otherwise  
20 provided by this Section for a period of one year. After  
21 this one year period, and upon reapplication for a license as  
22 provided in Section 6-106, upon payment of the appropriate  
23 reinstatement fee provided under paragraph (b) of Section  
24 6-118, the Secretary of State, in his discretion, may issue  
25 the applicant a license, or extend the restricted driving  
26 permit as many times as the Secretary of State deems  
27 appropriate, by additional periods of not more than 12 months  
28 each, until the applicant attains 21 years of age.

29 If a person's license or permit has been revoked or  
30 suspended 2 or more times, due to 2 or more convictions  
31 within a 10 year period for Section 11-501 of this Code or  
32 similar provisions of local ordinances or similar  
33 out-of-state offenses, or 2 or more statutory summary  
34 suspensions under Section 11-501.1, or any combination of 2

1 offenses, or of an offense and a statutory summary  
2 suspension, arising out of separate occurrences, that person,  
3 if issued a restricted driving permit, may not operate a  
4 vehicle unless it has been equipped with an ignition  
5 interlock device as defined in Section 1-129.1. The person  
6 must pay to the Secretary of State DUI Administration Fund an  
7 amount not to exceed \$20 per month. The Secretary shall  
8 establish by rule the amount and the procedures, terms, and  
9 conditions relating to these fees. If the Restricted Driving  
10 Permit issued by the Office of Secretary of State was issued  
11 on the basis of hardship, due to that person's need to travel  
12 as a means of employment, then this provision does not apply  
13 to an occupational vehicle owned or leased by that person's  
14 employer. A restricted driving permit issued under this  
15 Section shall be subject to cancellation, revocation, and  
16 suspension by the Secretary of State in like manner and for  
17 like cause as a driver's license issued under this Code may  
18 be cancelled, revoked, or suspended; except that a conviction  
19 upon one or more offenses against laws or ordinances  
20 regulating the movement of traffic shall be deemed sufficient  
21 cause for the revocation, suspension, or cancellation of a  
22 restricted driving permit. ~~Any person under 21 years of age~~  
23 ~~who has a driver's license revoked for a second or subsequent~~  
24 ~~conviction for driving under the influence, prior to the age~~  
25 ~~of 21, shall not be eligible to submit an application for a~~  
26 ~~full reinstatement of driving privileges or a restricted~~  
27 ~~driving permit until age 21 or one additional year from the~~  
28 ~~date of the latest such revocation, whichever is the longer.~~  
29 The revocation periods contained in this subparagraph shall  
30 apply to similar out-of-state convictions.

31 (e) This Section is subject to the provisions of the  
32 Driver License Compact.

33 (f) Any revocation imposed upon any person under  
34 subsections 2 and 3 of paragraph (b) that is in effect on

1 December 31, 1988 shall be converted to a suspension for a  
2 like period of time.

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

7 (h) The Secretary of State may use ignition interlock  
8 device requirements when granting driving relief to  
9 individuals who have been arrested for a second or subsequent  
10 offense under Section 11-501 of this Code or a similar  
11 provision of a local ordinance. The Secretary shall  
12 establish by rule and regulation the procedures for use of  
13 the interlock system.

14 (Source: P.A. 90-369, eff. 1-1-98; 90-590, eff. 1-1-99;  
15 90-611, eff. 1-1-99; 90-779, eff. 1-1-99; 91-357, eff.  
16 7-29-99.)

17 (625 ILCS 5/6-206) (from Ch. 95 1/2, par. 6-206)

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

20 (a) The Secretary of State is authorized to suspend or  
21 revoke the driving privileges of any person without  
22 preliminary hearing upon a showing of the person's records or  
23 other sufficient evidence that the person:

24 1. Has committed an offense for which mandatory  
25 revocation of a driver's license or permit is required  
26 upon conviction;

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

32 3. Has been repeatedly involved as a driver in  
33 motor vehicle collisions or has been repeatedly convicted

1 of offenses against laws and ordinances regulating the  
2 movement of traffic, to a degree that indicates lack of  
3 ability to exercise ordinary and reasonable care in the  
4 safe operation of a motor vehicle or disrespect for the  
5 traffic laws and the safety of other persons upon the  
6 highway;

7 4. Has by the unlawful operation of a motor vehicle  
8 caused or contributed to an accident resulting in death  
9 or injury requiring immediate professional treatment in a  
10 medical facility or doctor's office to any person, except  
11 that any suspension or revocation imposed by the  
12 Secretary of State under the provisions of this  
13 subsection shall start no later than 6 months after being  
14 convicted of violating a law or ordinance regulating the  
15 movement of traffic, which violation is related to the  
16 accident, or shall start not more than one year after the  
17 date of the accident, whichever date occurs later;

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

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

24 7. Has refused or failed to submit to an  
25 examination provided for by Section 6-207 or has failed  
26 to pass the examination;

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

29 9. Has made a false statement or knowingly  
30 concealed a material fact or has used false information  
31 or identification in any application for a license,  
32 identification card, or permit;

33 10. Has possessed, displayed, or attempted to  
34 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  
3 this State when the person's driving privilege or  
4 privilege to obtain a driver's license or permit was  
5 revoked or suspended unless the operation was authorized  
6 by a judicial driving permit, probationary license to  
7 drive, or a restricted driving permit issued under this  
8 Code;

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

15 13. Has operated a motor vehicle upon a highway of  
16 this State when the person's driver's license or permit  
17 was invalid under the provisions of Sections 6-107.1 and  
18 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  
21 14B of the Illinois Identification Card Act;

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

26 16. Has been convicted of violating Section 11-204  
27 of this Code relating to fleeing from a police officer;

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

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

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

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

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

10           22. Has used a motor vehicle in violating paragraph  
11 (3), (4), (7), or (9) of subsection (a) of Section 24-1  
12 of the Criminal Code of 1961 relating to unlawful use of  
13 weapons, in which case the suspension shall be for one  
14 year;

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

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

25           25. Has permitted any form of identification to be  
26 used by another in the application process in order to  
27 obtain or attempt to obtain a license, identification  
28 card, or permit;

29           26. Has altered or attempted to alter a license or  
30 has possessed an altered license, identification card, or  
31 permit;

32           27. Has violated Section 6-16 of the Liquor Control  
33 Act of 1934;

34           28. Has been convicted of the illegal possession,

1 while operating or in actual physical control, as a  
2 driver, of a motor vehicle, of any controlled substance  
3 prohibited under the Illinois Controlled Substances Act  
4 or any cannabis prohibited under the provisions of the  
5 Cannabis Control Act, in which case the person's driving  
6 privileges shall be suspended for one year, and any  
7 driver who is convicted of a second or subsequent  
8 offense, within 5 years of a previous conviction, for the  
9 illegal possession, while operating or in actual physical  
10 control, as a driver, of a motor vehicle, of any  
11 controlled substance prohibited under the provisions of  
12 the Illinois Controlled Substances Act or any cannabis  
13 prohibited under the Cannabis Control Act shall be  
14 suspended for 5 years. Any defendant found guilty of this  
15 offense while operating a motor vehicle, shall have an  
16 entry made in the court record by the presiding judge  
17 that this offense did occur while the defendant was  
18 operating a motor vehicle and order the clerk of the  
19 court to report the violation to the Secretary of State;

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

31 30. Has been convicted a second or subsequent time  
32 for any combination of the offenses named in paragraph 29  
33 of this subsection, in which case the person's driving  
34 privileges shall be suspended for 5 years;

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

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

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

18           34. Has committed a violation of Section 11-1301.5  
19 of this Code;

20           35. Has committed a violation of Section 11-1301.6  
21 of this Code; or

22           36. Is under the age of 21 years at the time of  
23 arrest and has been convicted of not less than 2  
24 offenses against traffic regulations governing the  
25 movement of vehicles committed within any 24 month  
26 period. No revocation or suspension shall be entered  
27 more than 6 months after the date of last conviction.

28           For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,  
29 and 27 of this subsection, license means any driver's  
30 license, any traffic ticket issued when the person's driver's  
31 license is deposited in lieu of bail, a suspension notice  
32 issued by the Secretary of State, a duplicate or corrected  
33 driver's license, a probationary driver's license or a  
34 temporary driver's license.

1 (b) If any conviction forming the basis of a suspension  
2 or 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,  
5 provided that a certified copy of a stay order of a court is  
6 filed with the Secretary of State. If the conviction is  
7 affirmed on appeal, the date of the conviction shall relate  
8 back to the time the original judgment of conviction was  
9 entered and the 6 month limitation prescribed shall not  
10 apply.

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

17 2. If the Secretary of State suspends the driver's  
18 license of a person under subsection 2 of paragraph (a)  
19 of this Section, a person's privilege to operate a  
20 vehicle as an occupation shall not be suspended, provided  
21 an affidavit is properly completed, the appropriate fee  
22 received, and a permit issued prior to the effective date  
23 of the suspension, unless 5 offenses were committed, at  
24 least 2 of which occurred while operating a commercial  
25 vehicle in connection with the driver's regular  
26 occupation. All other driving privileges shall be  
27 suspended by the Secretary of State. Any driver prior to  
28 operating a vehicle for occupational purposes only must  
29 submit the affidavit on forms to be provided by the  
30 Secretary of State setting forth the facts of the  
31 person's occupation. The affidavit shall also state the  
32 number of offenses committed while operating a vehicle in  
33 connection with the driver's regular occupation. The  
34 affidavit shall be accompanied by the driver's license.

1 Upon receipt of a properly completed affidavit, the  
2 Secretary of State shall issue the driver a permit to  
3 operate a vehicle in connection with the driver's regular  
4 occupation only. Unless the permit is issued by the  
5 Secretary of State prior to the date of suspension, the  
6 privilege to drive any motor vehicle shall be suspended  
7 as set forth in the notice that was mailed under this  
8 Section. If an affidavit is received subsequent to the  
9 effective date of this suspension, a permit may be issued  
10 for the remainder of the suspension period.

11 The provisions of this subparagraph shall not apply  
12 to any driver required to obtain a commercial driver's  
13 license under Section 6-507 during the period of a  
14 disqualification of commercial driving privileges under  
15 Section 6-514.

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

21 3. At the conclusion of a hearing under Section  
22 2-118 of this Code, the Secretary of State shall either  
23 rescind or continue an order of revocation or shall  
24 substitute an order of suspension; or, good cause  
25 appearing therefor, rescind, continue, change, or extend  
26 the order of suspension. If the Secretary of State does  
27 not rescind the order, the Secretary may upon  
28 application, to relieve undue hardship, issue a  
29 restricted driving permit granting the privilege of  
30 driving a motor vehicle between the petitioner's  
31 residence and petitioner's place of employment or within  
32 the scope of his employment related duties, or to allow  
33 transportation for the petitioner, or a household member  
34 of the petitioner's family, to receive necessary medical

1 care and if the professional evaluation indicates,  
2 provide transportation for alcohol remedial or  
3 rehabilitative activity, or for the petitioner to attend  
4 classes, as a student, in an accredited educational  
5 institution; if the petitioner is able to demonstrate  
6 that no alternative means of transportation is reasonably  
7 available and the petitioner will not endanger the public  
8 safety or welfare.

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

1 or subsequent conviction for a violation of Section  
2 11-501 of this Code or a similar provision of a local  
3 ordinance relating to the offense of operating or being  
4 in physical control of a motor vehicle while under the  
5 influence of alcohol, other drug or drugs, intoxicating  
6 compound or compounds, or any similar out-of-state  
7 offense, or any combination of those offenses, until the  
8 expiration of at least one year from the date of the  
9 revocation. A restricted driving permit issued under this  
10 Section shall be subject to cancellation, revocation, and  
11 suspension by the Secretary of State in like manner and  
12 for like cause as a driver's license issued under this  
13 Code may be cancelled, revoked, or suspended; except that  
14 a conviction upon one or more offenses against laws or  
15 ordinances regulating the movement of traffic shall be  
16 deemed sufficient cause for the revocation, suspension,  
17 or cancellation of a restricted driving permit. The  
18 Secretary of State may, as a condition to the issuance of  
19 a restricted driving permit, require the applicant to  
20 participate in a designated driver remedial or  
21 rehabilitative program. The Secretary of State is  
22 authorized to cancel a restricted driving permit if the  
23 permit holder does not successfully complete the program.

24 (c-5) The Secretary of State may, as a condition of the  
25 reissuance of a driver's license or permit to an applicant  
26 under the age of 18 years whose driver's license or permit  
27 has been suspended pursuant to any of the provisions of this  
28 Section, require the applicant to participate in a driver  
29 remedial education course and be retested under Section 6-109  
30 of this Code.

31 (d) This Section is subject to the provisions of the  
32 Drivers License Compact.

33 (e) The Secretary of State shall not issue a restricted  
34 driving permit to a person under the age of 16 years whose

1 driving privileges have been suspended or revoked under any  
2 provisions of this Code.

3 (Source: P.A. 89-283, eff. 1-1-96; 89-428, eff. 12-13-95;  
4 89-462, eff. 5-29-96; 90-43, eff. 7-2-97; 90-106, eff.  
5 1-1-98; 90-369, eff. 1-1-98; 90-655, eff. 7-30-98.)

6 (625 ILCS 5/6-206.2)

7 Sec. 6-206.2. Violations relating to an ignition  
8 interlock device.

9 (a) It is unlawful for any person whose driving  
10 privilege is restricted by being prohibited from operating a  
11 motor vehicle not equipped with an ignition interlock device  
12 to request or solicit any other person to blow into an  
13 ignition interlock device or to start a motor vehicle  
14 equipped with the device for the purpose of providing the  
15 person so restricted with an operable motor vehicle.

16 (b) It is unlawful to blow into an ignition interlock  
17 device or to start a motor vehicle equipped with the device  
18 for the purpose of providing an operable motor vehicle to a  
19 person whose driving privilege is restricted by being  
20 prohibited from operating a motor vehicle not equipped with  
21 an ignition interlock device.

22 (c) It is unlawful to tamper with, or circumvent the  
23 operation of, an ignition interlock device.

24 (d) Except as provided in subsection (c)(17) of Section  
25 5-6-3.1 of the Unified Code of Corrections or by rule, no  
26 person shall knowingly rent, lease, or lend a motor vehicle  
27 to a person known to have his or her driving privilege  
28 restricted by being prohibited from operating a vehicle not  
29 equipped with an ignition interlock device, unless the  
30 vehicle is equipped with a functioning ignition interlock  
31 device. Any person whose driving privilege is so restricted  
32 shall notify any person intending to rent, lease, or loan a  
33 motor vehicle to the restricted person of the driving

1 restriction imposed upon him or her.

2 A person convicted of a violation of this subsection  
3 shall be punished by imprisonment for not more than 6 months  
4 or by a fine of not more than \$5,000, or both.

5 (e) If a person prohibited under paragraph (2) or  
6 paragraph (3) of subsection (c-4) of Section 11-501 from  
7 driving any vehicle not equipped with an ignition interlock  
8 device nevertheless is convicted of driving a vehicle that is  
9 not equipped with the device, that person is prohibited from  
10 driving any vehicle not equipped with an ignition interlock  
11 device for an additional period of time equal to the initial  
12 time period that the person was required to use an ignition  
13 interlock device.

14 (Source: P.A. 91-127, eff. 1-1-00.)

15 (625 ILCS 5/6-208) (from Ch. 95 1/2, par. 6-208)

16 Sec. 6-208. Period of Suspension - Application After  
17 Revocation.

18 (a) Except as otherwise provided by this Code or any  
19 other law of this State, the Secretary of State shall not  
20 suspend a driver's license, permit or privilege to drive a  
21 motor vehicle on the highways for a period of more than one  
22 year.

23 (b) Any person whose license, permit or privilege to  
24 drive a motor vehicle on the highways has been revoked shall  
25 not be entitled to have such license, permit or privilege  
26 renewed or restored. However, such person may, except as  
27 provided under subsection (d) of Section 6-205, make  
28 application for a license pursuant to Section 6-106 (i) if  
29 the revocation was for a cause which has been removed or (ii)  
30 as provided in the following subparagraphs:

31 1. Except as provided in subparagraphs 2, 3, and 4,  
32 the person may make application for a license after the  
33 expiration of one year from the effective date of the

1 revocation or, in the case of a violation of paragraph  
2 (b) of Section 11-401 of this Code or a similar provision  
3 of a local ordinance, after the expiration of 3 years  
4 from the effective date of the revocation or, in the case  
5 of a violation of Section 9-3 of the Criminal Code of  
6 1961 relating to the offense of reckless homicide, after  
7 the expiration of 2 years from the effective date of the  
8 revocation.

9 2. If such person is convicted of committing a  
10 second violation within a 20 year period of:

11 (A) Section 11-501 of this Code, or a similar  
12 provision of a local ordinance; or

13 (B) Paragraph (b) of Section 11-401 of this  
14 Code, or a similar provision of a local ordinance;  
15 or

16 (C) Section 9-3 of the Criminal Code of 1961,  
17 as amended, relating to the offense of reckless  
18 homicide; or

19 (D) any combination of the above offenses  
20 committed at different instances;

21 then such person may not make application for a license  
22 until after the expiration of 5 years from the effective  
23 date of the most recent revocation. The 20 year period  
24 shall be computed by using the dates the offenses were  
25 committed and shall also include similar out-of-state  
26 offenses.

27 3. However, except as provided in subparagraph 4,  
28 if such person is convicted of committing a third, or  
29 subsequent, violation or any combination of the above  
30 offenses, including similar out-of-state offenses,  
31 contained in subparagraph 2, then such person may not  
32 make application for a license until after the expiration  
33 of 10 years from the effective date of the most recent  
34 revocation.

1           4. The person may not make application for a  
2 license if the person is convicted of committing a fourth  
3 or subsequent violation of Section 11-501 of this Code or  
4 a similar provision of a local ordinance, paragraph (b)  
5 of Section 11-401 of this Code, Section 9-3 of the  
6 Criminal Code of 1961, or a combination of these offenses  
7 or similar provisions of local ordinances or similar  
8 out-of-state offenses ~~if--the--original--revocation--or~~  
9 ~~suspension--was--for--a--violation--of--Section-11-501--or~~  
10 ~~11-501-1-of-this-Code-or-a-similar-provision-of--a--local~~  
11 ~~ordinance.~~

12           Notwithstanding any other provision of this Code, all  
13 persons referred to in this paragraph (b) may not have their  
14 privileges restored until the Secretary receives payment of  
15 the required reinstatement fee pursuant to subsection (b) of  
16 Section 6-118.

17           In no event shall the Secretary issue such license unless  
18 and until such person has had a hearing pursuant to this Code  
19 and the appropriate administrative rules and the Secretary is  
20 satisfied, after a review or investigation of such person,  
21 that to grant the privilege of driving a motor vehicle on the  
22 highways will not endanger the public safety or welfare.

23           (c) If a person prohibited under paragraph (2) or  
24 paragraph (3) of subsection (c-4) of Section 11-501 from  
25 driving any vehicle not equipped with an ignition interlock  
26 device nevertheless is convicted of driving a vehicle that is  
27 not equipped with the device, that person is prohibited from  
28 driving any vehicle not equipped with an ignition interlock  
29 device for an additional period of time equal to the initial  
30 time period that the person was required to use an ignition  
31 interlock device.

32           (Source: P.A. 90-543, eff. 12-1-97; 90-738, eff. 1-1-99;  
33 91-357, eff. 7-29-99.)

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

2 Sec. 11-501. Driving while under the influence of  
3 alcohol, other drug or drugs, intoxicating compound or  
4 compounds or any 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  
8 or breath is 0.08 or more based on the definition of  
9 blood and breath units in Section 11-501.2;

10 (2) under the influence of alcohol;

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

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

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

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

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

34 (c) Except as provided under paragraphs (c-3), (c-4),

1 and (d) of this Section, every person convicted of violating  
2 this Section or a similar provision of a local ordinance,  
3 shall be guilty of a Class A misdemeanor and, in addition to  
4 any other criminal or administrative action, for any second  
5 conviction of violating this Section or a similar provision  
6 of a law of another state or local ordinance committed within  
7 5 years of a previous violation of this Section or a similar  
8 provision of a local ordinance shall be mandatorily sentenced  
9 to a minimum of 48 consecutive hours of imprisonment or  
10 assigned to a minimum of 100 hours of community service as  
11 may be determined by the court. Every person convicted of  
12 violating this Section or a similar provision of a local  
13 ordinance shall be subject to a mandatory minimum fine of  
14 \$500 and a mandatory 5 days of community service in a program  
15 benefiting children if the person committed a violation of  
16 paragraph (a) or a similar provision of a local ordinance  
17 while transporting a person under age 16. Every person  
18 convicted a second time for violating this Section or a  
19 similar provision of a local ordinance within 5 years of a  
20 previous violation of this Section or a similar provision of  
21 a law of another state or local ordinance shall be subject to  
22 a mandatory minimum fine of \$500 and 10 days of mandatory  
23 community service in a program benefiting children if the  
24 current offense was committed while transporting a person  
25 under age 16. The imprisonment or assignment under this  
26 subsection shall not be subject to suspension nor shall the  
27 person be eligible for probation in order to reduce the  
28 sentence or assignment.

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

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

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

15           (c-2) (Blank).

16           (c-3) Every person convicted of violating this Section  
17 or a similar provision of a local ordinance who had a  
18 child under age 16 in the vehicle at the time of the  
19 offense shall have his or her punishment under this Act  
20 enhanced by 2 days of imprisonment for a first offense,  
21 10 days of imprisonment for a second offense, 30 days of  
22 imprisonment for a third offense, and 90 days of  
23 imprisonment for a fourth or subsequent offense, in  
24 addition to the fine and community service required under  
25 subsection (c) and the possible imprisonment required  
26 under subsection (d). The imprisonment or assignment  
27 under this subsection shall not be subject to suspension  
28 nor shall the person be eligible for probation in order  
29 to reduce the sentence or assignment.

30           (c-4) When a person is convicted of violating 11-501 of  
31 the Illinois Vehicle Code, the following penalties apply when  
32 his or her blood or breath was .16 or more based on the  
33 definition of blood or breath units in Section 11-501.2 or  
34 when that person is convicted of violating this Section while

1 transporting a child under the age of 16:

2 (1) A person who violates subsection (a) of Section  
3 11-501 of the Illinois Vehicle Code a first time is  
4 subject to a mandatory minimum of 100 hours of community  
5 service and a minimum fine of \$500.

6 (2) A person who violates subsection (a) of Section  
7 11-501 of the Illinois Vehicle Code a second time within  
8 10 years, in addition to any other penalty that may be  
9 imposed, is subject to a mandatory minimum of 30 days of  
10 imprisonment or 300 hours of community service, as  
11 determined by the court, and a minimum fine of \$1,250,  
12 and that person is prohibited from driving any vehicle  
13 not equipped with an ignition interlock device for the  
14 duration of the suspension or revocation. The ignition  
15 interlock device must remain on the vehicle after full  
16 reinstatement of driving privileges for a period of time  
17 to be determined by the Secretary by rule.

18 (3) A person who violates subsection (a) of Section  
19 11-501 of the Illinois Vehicle Code a third time within  
20 20 years is guilty of a Class 4 felony and, in addition  
21 to any other penalty that may be imposed, is subject to a  
22 mandatory minimum of 90 days of imprisonment and a  
23 minimum fine of \$2,500, and that person is prohibited  
24 from driving any vehicle not equipped with an ignition  
25 interlock device for the duration of the suspension or  
26 revocation. The ignition interlock device must remain on  
27 the vehicle after full reinstatement of driving  
28 privileges for a period of time to be determined by the  
29 Secretary by rule.

30 (4) A person who violates this subsection (c-4) a  
31 fourth or subsequent time is guilty of a Class 2 felony  
32 and, in addition to any other penalty that may be  
33 imposed, is not eligible for a sentence of probation or  
34 conditional discharge and is subject to a minimum fine of

1       \$2,500.

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

7               (A) the person committed a violation of this  
8       Section, or a similar provision of a law of another  
9       state or a local ordinance when the cause of action  
10      is the same as or substantially similar to this  
11      Section, for the third or subsequent time;

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

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

21              (D) the person committed a violation of  
22      paragraph (a) for a second time and has been  
23      previously convicted of violating Section 9-3 of the  
24      Criminal Code of 1961 relating to reckless homicide  
25      in which the person was determined to have been  
26      under the influence of alcohol, other drug or drugs,  
27      or intoxicating compound or compounds as an element  
28      of the offense or the person has previously been  
29      convicted under subparagraph (C) of this paragraph  
30      (1).

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

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

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

21 (f) Every person found guilty of violating this Section,  
22 whose operation of a motor vehicle while in violation of this  
23 Section proximately caused any incident resulting in an  
24 appropriate emergency response, shall be liable for the  
25 expense of an emergency response as provided under Section  
26 5-5-3 of the Unified Code of Corrections.

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

30 (h) Every person sentenced under subsection (d) of this  
31 Section and who receives a term of probation or conditional  
32 discharge shall be required to serve a minimum term of either  
33 30 days community service or, beginning July 1, 1993, 48  
34 consecutive hours of imprisonment as a condition of the

1 probation or conditional discharge. This mandatory minimum  
2 term of imprisonment or assignment of community service shall  
3 not be suspended and shall not be subject to reduction by the  
4 court.

5 (i) The Secretary of State may use ignition interlock  
6 device requirements when granting driving relief to  
7 individuals who have been arrested for a second or subsequent  
8 offense of this Section or a similar provision of a local  
9 ordinance. The Secretary shall establish by rule and  
10 regulation the procedures for use of the interlock system.

11 (j) In addition to any other penalties and liabilities,  
12 a person who is found guilty of or pleads guilty to violating  
13 this Section, including any person placed on court  
14 supervision for violating this Section, shall be fined \$100,  
15 payable to the circuit clerk, who shall distribute the money  
16 to the law enforcement agency that made the arrest. In the  
17 event that more than one agency is responsible for the  
18 arrest, the \$100 shall be shared equally. Any moneys  
19 received by a law enforcement agency under this subsection  
20 (j) shall be used to purchase law enforcement equipment that  
21 will assist in the prevention of alcohol related criminal  
22 violence throughout the State. This shall include, but is  
23 not limited to, in-car video cameras, radar and laser speed  
24 detection devices, and alcohol breath testers. Any moneys  
25 received by the Department of State Police under this  
26 subsection (j) shall be deposited into the State Police DUI  
27 Fund and shall be used to purchase law enforcement equipment  
28 that will assist in the prevention of alcohol related  
29 criminal violence throughout the State.

30 (Source: P.A. 90-43, eff. 7-2-97; 90-400, eff. 8-15-97;  
31 90-611, eff. 1-1-99; 90-655, eff. 7-30-98; 90-738, eff.  
32 1-1-99; 90-779, eff. 1-1-99; 91-126, eff. 7-16-99; 91-357,  
33 eff. 7-29-99; 91-692, eff. 4-13-00; 91-822, eff. 6-13-00.)

1 Section 15. The Unified Code of Corrections is amended  
2 by changing Sections 5-5-3 and 5-6-3 as follows:

3 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)  
4 Sec. 5-5-3. Disposition.

5 (a) Every person convicted of an offense shall be  
6 sentenced as provided in this Section.

7 (b) The following options shall be appropriate  
8 dispositions, alone or in combination, for all felonies and  
9 misdemeanors other than those identified in subsection (c) of  
10 this Section:

11 (1) A period of probation.

12 (2) A term of periodic imprisonment.

13 (3) A term of conditional discharge.

14 (4) A term of imprisonment.

15 (5) An order directing the offender to clean up and  
16 repair the damage, if the offender was convicted under  
17 paragraph (h) of Section 21-1 of the Criminal Code of  
18 1961.

19 (6) A fine.

20 (7) An order directing the offender to make  
21 restitution to the victim under Section 5-5-6 of this  
22 Code.

23 (8) A sentence of participation in a county impact  
24 incarceration program under Section 5-8-1.2 of this Code.

25 Whenever an individual is sentenced for an offense based  
26 upon an arrest for a violation of Section 11-501 of the  
27 Illinois Vehicle Code, or a similar provision of a local  
28 ordinance, and the professional evaluation recommends  
29 remedial or rehabilitative treatment or education, neither  
30 the treatment nor the education shall be the sole disposition  
31 and either or both may be imposed only in conjunction with  
32 another disposition. The court shall monitor compliance with  
33 any remedial education or treatment recommendations contained

1 in the professional evaluation. Programs conducting alcohol  
2 or other drug evaluation or remedial education must be  
3 licensed by the Department of Human Services. However, if  
4 the individual is not a resident of Illinois, the court may  
5 accept an alcohol or other drug evaluation or remedial  
6 education program in the state of such individual's  
7 residence. Programs providing treatment must be licensed  
8 under existing applicable alcoholism and drug treatment  
9 licensure standards.

10 In addition to any other fine or penalty required by law,  
11 any individual convicted of a violation of Section 11-501 of  
12 the Illinois Vehicle Code or a similar provision of local  
13 ordinance, whose operation of a motor vehicle while in  
14 violation of Section 11-501 or such ordinance proximately  
15 caused an incident resulting in an appropriate emergency  
16 response, shall be required to make restitution to a public  
17 agency for the costs of that emergency response. Such  
18 restitution shall not exceed \$500 per public agency for each  
19 such emergency response. For the purpose of this paragraph,  
20 emergency response shall mean any incident requiring a  
21 response by: a police officer as defined under Section 1-162  
22 of the Illinois Vehicle Code; a fireman carried on the rolls  
23 of a regularly constituted fire department; and an ambulance  
24 as defined under Section 4.05 of the Emergency Medical  
25 Services (EMS) Systems Act.

26 Neither a fine nor restitution shall be the sole  
27 disposition for a felony and either or both may be imposed  
28 only in conjunction with another disposition.

29 (c) (1) When a defendant is found guilty of first degree  
30 murder the State may either seek a sentence of  
31 imprisonment under Section 5-8-1 of this Code, or where  
32 appropriate seek a sentence of death under Section 9-1 of  
33 the Criminal Code of 1961.

34 (2) A period of probation, a term of periodic

1 imprisonment or conditional discharge shall not be  
2 imposed for the following offenses. The court shall  
3 sentence the offender to not less than the minimum term  
4 of imprisonment set forth in this Code for the following  
5 offenses, and may order a fine or restitution or both in  
6 conjunction with such term of imprisonment:

7 (A) First degree murder where the death  
8 penalty is not imposed.

9 (B) Attempted first degree murder.

10 (C) A Class X felony.

11 (D) A violation of Section 401.1 or 407 of the  
12 Illinois Controlled Substances Act, or a violation  
13 of subdivision (c)(2) of Section 401 of that Act  
14 which relates to more than 5 grams of a substance  
15 containing cocaine or an analog thereof.

16 (E) A violation of Section 5.1 or 9 of the  
17 Cannabis Control Act.

18 (F) A Class 2 or greater felony if the  
19 offender had been convicted of a Class 2 or greater  
20 felony within 10 years of the date on which the  
21 offender committed the offense for which he or she  
22 is being sentenced, except as otherwise provided in  
23 Section 40-10 of the Alcoholism and Other Drug Abuse  
24 and Dependency Act.

25 (G) Residential burglary, except as otherwise  
26 provided in Section 40-10 of the Alcoholism and  
27 Other Drug Abuse and Dependency Act.

28 (H) Criminal sexual assault, except as  
29 otherwise provided in subsection (e) of this  
30 Section.

31 (I) Aggravated battery of a senior citizen.

32 (J) A forcible felony if the offense was  
33 related to the activities of an organized gang.

34 Before July 1, 1994, for the purposes of this

1 paragraph, "organized gang" means an association of  
2 5 or more persons, with an established hierarchy,  
3 that encourages members of the association to  
4 perpetrate crimes or provides support to the members  
5 of the association who do commit crimes.

6 Beginning July 1, 1994, for the purposes of  
7 this paragraph, "organized gang" has the meaning  
8 ascribed to it in Section 10 of the Illinois  
9 Streetgang Terrorism Omnibus Prevention Act.

10 (K) Vehicular hijacking.

11 (L) A second or subsequent conviction for the  
12 offense of hate crime when the underlying offense  
13 upon which the hate crime is based is felony  
14 aggravated assault or felony mob action.

15 (M) A second or subsequent conviction for the  
16 offense of institutional vandalism if the damage to  
17 the property exceeds \$300.

18 (N) A Class 3 felony violation of paragraph  
19 (1) of subsection (a) of Section 2 of the Firearm  
20 Owners Identification Card Act.

21 (O) A violation of Section 12-6.1 of the  
22 Criminal Code of 1961.

23 (P) A violation of paragraph (1), (2), (3),  
24 (4), (5), or (7) of subsection (a) of Section  
25 11-20.1 of the Criminal Code of 1961.

26 (Q) A violation of Section 20-1.2 of the  
27 Criminal Code of 1961.

28 (R) A violation of Section 24-3A of the  
29 Criminal Code of 1961.

30 (3) A minimum term of imprisonment of not less than  
31 48 consecutive hours or 100 hours of community service as  
32 may be determined by the court shall be imposed for a  
33 second or subsequent violation committed within 5 years  
34 of a previous violation of Section 11-501 of the Illinois

1 Vehicle Code or a similar provision of a local ordinance.

2 (4) A minimum term of imprisonment of not less than  
3 7 consecutive days or 30 days of community service shall  
4 be imposed for a violation of paragraph (c) of Section  
5 6-303 of the Illinois Vehicle Code.

6 (4.1) A minimum term of 30 consecutive days of  
7 imprisonment, 40 days of 24 hour periodic imprisonment or  
8 720 hours of community service, as may be determined by  
9 the court, shall be imposed for a violation of Section  
10 11-501 of the Illinois Vehicle Code during a period in  
11 which the defendant's driving privileges are revoked or  
12 suspended, where the revocation or suspension was for a  
13 violation of Section 11-501 or Section 11-501.1 of that  
14 Code.

15 (5) The court may sentence an offender convicted of  
16 a business offense or a petty offense or a corporation or  
17 unincorporated association convicted of any offense to:

- 18 (A) a period of conditional discharge;
- 19 (B) a fine;
- 20 (C) make restitution to the victim under  
21 Section 5-5-6 of this Code.

22 (6) In no case shall an offender be eligible for a  
23 disposition of probation or conditional discharge for a  
24 Class 1 felony committed while he was serving a term of  
25 probation or conditional discharge for a felony.

26 (7) When a defendant is adjudged a habitual  
27 criminal under Article 33B of the Criminal Code of 1961,  
28 the court shall sentence the defendant to a term of  
29 natural life imprisonment.

30 (8) When a defendant, over the age of 21 years, is  
31 convicted of a Class 1 or Class 2 felony, after having  
32 twice been convicted of any Class 2 or greater Class  
33 felonies in Illinois, and such charges are separately  
34 brought and tried and arise out of different series of

1 acts, such defendant shall be sentenced as a Class X  
2 offender. This paragraph shall not apply unless (1) the  
3 first felony was committed after the effective date of  
4 this amendatory Act of 1977; and (2) the second felony  
5 was committed after conviction on the first; and (3) the  
6 third felony was committed after conviction on the  
7 second.

8 (9) A defendant convicted of a second or subsequent  
9 offense of ritualized abuse of a child may be sentenced  
10 to a term of natural life imprisonment.

11 (10) When a person is convicted of violating  
12 Section 11-501 of the Illinois Vehicle Code, the  
13 following penalties apply when his or her blood or breath  
14 was .16 or more based on the definition of blood or  
15 breath units in Section 11-501.2 or that person is  
16 convicted of violating Section 11-501 of the Illinois  
17 Vehicle Code while transporting a child under the age of  
18 16:

19 (A) For a first violation of subsection (a) of  
20 Section 11-501: a mandatory minimum of 100 hours of  
21 community service and a minimum fine of \$500.

22 (B) For a second violation of subsection (a)  
23 of Section 11-501 within 10 years: a mandatory  
24 minimum of 30 days of imprisonment or 300 hours of  
25 community service, as determined by the court, and a  
26 minimum fine of \$1,250.

27 (C) For a third violation of subsection (a) of  
28 Section 11-501 within 20 years: a mandatory minimum  
29 of 90 days of imprisonment and a minimum fine of  
30 \$2,500.

31 (D) For a fourth or subsequent violation of  
32 subsection (a) of Section 11-501: ineligibility for  
33 a sentence of probation or conditional discharge and  
34 a minimum fine of \$2,500.

1 (d) In any case in which a sentence originally imposed  
2 is vacated, the case shall be remanded to the trial court.  
3 The trial court shall hold a hearing under Section 5-4-1 of  
4 the Unified Code of Corrections which may include evidence of  
5 the defendant's life, moral character and occupation during  
6 the time since the original sentence was passed. The trial  
7 court shall then impose sentence upon the defendant. The  
8 trial court may impose any sentence which could have been  
9 imposed at the original trial subject to Section 5-5-4 of the  
10 Unified Code of Corrections.

11 (e) In cases where prosecution for criminal sexual  
12 assault or aggravated criminal sexual abuse under Section  
13 12-13 or 12-16 of the Criminal Code of 1961 results in  
14 conviction of a defendant who was a family member of the  
15 victim at the time of the commission of the offense, the  
16 court shall consider the safety and welfare of the victim and  
17 may impose a sentence of probation only where:

18 (1) the court finds (A) or (B) or both are  
19 appropriate:

20 (A) the defendant is willing to undergo a  
21 court approved counseling program for a minimum  
22 duration of 2 years; or

23 (B) the defendant is willing to participate in  
24 a court approved plan including but not limited to  
25 the defendant's:

26 (i) removal from the household;

27 (ii) restricted contact with the victim;

28 (iii) continued financial support of the  
29 family;

30 (iv) restitution for harm done to the  
31 victim; and

32 (v) compliance with any other measures  
33 that the court may deem appropriate; and

34 (2) the court orders the defendant to pay for the

1 victim's counseling services, to the extent that the  
2 court finds, after considering the defendant's income and  
3 assets, that the defendant is financially capable of  
4 paying for such services, if the victim was under 18  
5 years of age at the time the offense was committed and  
6 requires counseling as a result of the offense.

7 Probation may be revoked or modified pursuant to Section  
8 5-6-4; except where the court determines at the hearing that  
9 the defendant violated a condition of his or her probation  
10 restricting contact with the victim or other family members  
11 or commits another offense with the victim or other family  
12 members, the court shall revoke the defendant's probation and  
13 impose a term of imprisonment.

14 For the purposes of this Section, "family member" and  
15 "victim" shall have the meanings ascribed to them in Section  
16 12-12 of the Criminal Code of 1961.

17 (f) This Article shall not deprive a court in other  
18 proceedings to order a forfeiture of property, to suspend or  
19 cancel a license, to remove a person from office, or to  
20 impose any other civil penalty.

21 (g) Whenever a defendant is convicted of an offense  
22 under Sections 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18,  
23 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1,  
24 12-15 or 12-16 of the Criminal Code of 1961, the defendant  
25 shall undergo medical testing to determine whether the  
26 defendant has any sexually transmissible disease, including a  
27 test for infection with human immunodeficiency virus (HIV) or  
28 any other identified causative agent of acquired  
29 immunodeficiency syndrome (AIDS). Any such medical test  
30 shall be performed only by appropriately licensed medical  
31 practitioners and may include an analysis of any bodily  
32 fluids as well as an examination of the defendant's person.  
33 Except as otherwise provided by law, the results of such test  
34 shall be kept strictly confidential by all medical personnel

1 involved in the testing and must be personally delivered in a  
2 sealed envelope to the judge of the court in which the  
3 conviction was entered for the judge's inspection in camera.  
4 Acting in accordance with the best interests of the victim  
5 and the public, the judge shall have the discretion to  
6 determine to whom, if anyone, the results of the testing may  
7 be revealed. The court shall notify the defendant of the test  
8 results. The court shall also notify the victim if requested  
9 by the victim, and if the victim is under the age of 15 and  
10 if requested by the victim's parents or legal guardian, the  
11 court shall notify the victim's parents or legal guardian of  
12 the test results. The court shall provide information on the  
13 availability of HIV testing and counseling at Department of  
14 Public Health facilities to all parties to whom the results  
15 of the testing are revealed and shall direct the State's  
16 Attorney to provide the information to the victim when  
17 possible. A State's Attorney may petition the court to obtain  
18 the results of any HIV test administered under this Section,  
19 and the court shall grant the disclosure if the State's  
20 Attorney shows it is relevant in order to prosecute a charge  
21 of criminal transmission of HIV under Section 12-16.2 of the  
22 Criminal Code of 1961 against the defendant. The court shall  
23 order that the cost of any such test shall be paid by the  
24 county and may be taxed as costs against the convicted  
25 defendant.

26 (g-5) When an inmate is tested for an airborne  
27 communicable disease, as determined by the Illinois  
28 Department of Public Health including but not limited to  
29 tuberculosis, the results of the test shall be personally  
30 delivered by the warden or his or her designee in a sealed  
31 envelope to the judge of the court in which the inmate must  
32 appear for the judge's inspection in camera if requested by  
33 the judge. Acting in accordance with the best interests of  
34 those in the courtroom, the judge shall have the discretion

1 to determine what if any precautions need to be taken to  
2 prevent transmission of the disease in the courtroom.

3 (h) Whenever a defendant is convicted of an offense  
4 under Section 1 or 2 of the Hypodermic Syringes and Needles  
5 Act, the defendant shall undergo medical testing to determine  
6 whether the defendant has been exposed to human  
7 immunodeficiency virus (HIV) or any other identified  
8 causative agent of acquired immunodeficiency syndrome (AIDS).  
9 Except as otherwise provided by law, the results of such test  
10 shall be kept strictly confidential by all medical personnel  
11 involved in the testing and must be personally delivered in a  
12 sealed envelope to the judge of the court in which the  
13 conviction was entered for the judge's inspection in camera.  
14 Acting in accordance with the best interests of the public,  
15 the judge shall have the discretion to determine to whom, if  
16 anyone, the results of the testing may be revealed. The court  
17 shall notify the defendant of a positive test showing an  
18 infection with the human immunodeficiency virus (HIV). The  
19 court shall provide information on the availability of HIV  
20 testing and counseling at Department of Public Health  
21 facilities to all parties to whom the results of the testing  
22 are revealed and shall direct the State's Attorney to provide  
23 the information to the victim when possible. A State's  
24 Attorney may petition the court to obtain the results of any  
25 HIV test administered under this Section, and the court  
26 shall grant the disclosure if the State's Attorney shows it  
27 is relevant in order to prosecute a charge of criminal  
28 transmission of HIV under Section 12-16.2 of the Criminal  
29 Code of 1961 against the defendant. The court shall order  
30 that the cost of any such test shall be paid by the county  
31 and may be taxed as costs against the convicted defendant.

32 (i) All fines and penalties imposed under this Section  
33 for any violation of Chapters 3, 4, 6, and 11 of the Illinois  
34 Vehicle Code, or a similar provision of a local ordinance,

1 and any violation of the Child Passenger Protection Act, or a  
2 similar provision of a local ordinance, shall be collected  
3 and disbursed by the circuit clerk as provided under Section  
4 27.5 of the Clerks of Courts Act.

5 (j) In cases when prosecution for any violation of  
6 Section 11-6, 11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1,  
7 11-16, 11-17, 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1,  
8 11-19.2, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15, or  
9 12-16 of the Criminal Code of 1961, any violation of the  
10 Illinois Controlled Substances Act, or any violation of the  
11 Cannabis Control Act results in conviction, a disposition of  
12 court supervision, or an order of probation granted under  
13 Section 10 of the Cannabis Control Act or Section 410 of the  
14 Illinois Controlled Substance Act of a defendant, the court  
15 shall determine whether the defendant is employed by a  
16 facility or center as defined under the Child Care Act of  
17 1969, a public or private elementary or secondary school, or  
18 otherwise works with children under 18 years of age on a  
19 daily basis. When a defendant is so employed, the court  
20 shall order the Clerk of the Court to send a copy of the  
21 judgment of conviction or order of supervision or probation  
22 to the defendant's employer by certified mail. If the  
23 employer of the defendant is a school, the Clerk of the Court  
24 shall direct the mailing of a copy of the judgment of  
25 conviction or order of supervision or probation to the  
26 appropriate regional superintendent of schools. The regional  
27 superintendent of schools shall notify the State Board of  
28 Education of any notification under this subsection.

29 (j-5) A defendant at least 17 years of age who is  
30 convicted of a felony and who has not been previously  
31 convicted of a misdemeanor or felony and who is sentenced to  
32 a term of imprisonment in the Illinois Department of  
33 Corrections shall as a condition of his or her sentence be  
34 required by the court to attend educational courses designed

1 to prepare the defendant for a high school diploma and to  
2 work toward a high school diploma or to work toward passing  
3 the high school level Test of General Educational Development  
4 (GED) or to work toward completing a vocational training  
5 program offered by the Department of Corrections. If a  
6 defendant fails to complete the educational training required  
7 by his or her sentence during the term of incarceration, the  
8 Prisoner Review Board shall, as a condition of mandatory  
9 supervised release, require the defendant, at his or her own  
10 expense, to pursue a course of study toward a high school  
11 diploma or passage of the GED test. The Prisoner Review  
12 Board shall revoke the mandatory supervised release of a  
13 defendant who wilfully fails to comply with this subsection  
14 (j-5) upon his or her release from confinement in a penal  
15 institution while serving a mandatory supervised release  
16 term; however, the inability of the defendant after making a  
17 good faith effort to obtain financial aid or pay for the  
18 educational training shall not be deemed a wilful failure to  
19 comply. The Prisoner Review Board shall recommit the  
20 defendant whose mandatory supervised release term has been  
21 revoked under this subsection (j-5) as provided in Section  
22 3-3-9. This subsection (j-5) does not apply to a defendant  
23 who has a high school diploma or has successfully passed the  
24 GED test. This subsection (j-5) does not apply to a defendant  
25 who is determined by the court to be developmentally disabled  
26 or otherwise mentally incapable of completing the educational  
27 or vocational program.

28 (k) A court may not impose a sentence or disposition for  
29 a felony or misdemeanor that requires the defendant to be  
30 implanted or injected with or to use any form of birth  
31 control.

32 (l) (A) Except as provided in paragraph (C) of  
33 subsection (l), whenever a defendant, who is an alien as  
34 defined by the Immigration and Nationality Act, is

1 convicted of any felony or misdemeanor offense, the court  
2 after sentencing the defendant may, upon motion of the  
3 State's Attorney, hold sentence in abeyance and remand  
4 the defendant to the custody of the Attorney General of  
5 the United States or his or her designated agent to be  
6 deported when:

7 (1) a final order of deportation has been  
8 issued against the defendant pursuant to proceedings  
9 under the Immigration and Nationality Act, and

10 (2) the deportation of the defendant would not  
11 deprecate the seriousness of the defendant's conduct  
12 and would not be inconsistent with the ends of  
13 justice.

14 Otherwise, the defendant shall be sentenced as  
15 provided in this Chapter V.

16 (B) If the defendant has already been sentenced for  
17 a felony or misdemeanor offense, or has been placed on  
18 probation under Section 10 of the Cannabis Control Act or  
19 Section 410 of the Illinois Controlled Substances Act,  
20 the court may, upon motion of the State's Attorney to  
21 suspend the sentence imposed, commit the defendant to the  
22 custody of the Attorney General of the United States or  
23 his or her designated agent when:

24 (1) a final order of deportation has been  
25 issued against the defendant pursuant to proceedings  
26 under the Immigration and Nationality Act, and

27 (2) the deportation of the defendant would not  
28 deprecate the seriousness of the defendant's conduct  
29 and would not be inconsistent with the ends of  
30 justice.

31 (C) This subsection (1) does not apply to offenders  
32 who are subject to the provisions of paragraph (2) of  
33 subsection (a) of Section 3-6-3.

34 (D) Upon motion of the State's Attorney, if a

1 defendant sentenced under this Section returns to the  
2 jurisdiction of the United States, the defendant shall be  
3 recommitted to the custody of the county from which he or  
4 she was sentenced. Thereafter, the defendant shall be  
5 brought before the sentencing court, which may impose any  
6 sentence that was available under Section 5-5-3 at the  
7 time of initial sentencing. In addition, the defendant  
8 shall not be eligible for additional good conduct credit  
9 for meritorious service as provided under Section 3-6-6.

10 (m) A person convicted of criminal defacement of  
11 property under Section 21-1.3 of the Criminal Code of 1961,  
12 in which the property damage exceeds \$300 and the property  
13 damaged is a school building, shall be ordered to perform  
14 community service that may include cleanup, removal, or  
15 painting over the defacement.

16 (Source: P.A. 90-14, eff. 7-1-97; 90-68, eff. 7-8-97; 90-680,  
17 eff. 1-1-99; 90-685, eff. 1-1-99; 90-787, eff. 8-14-98;  
18 91-357, eff. 7-29-99; 91-404, eff. 1-1-00; 91-663, eff.  
19 12-22-99; 91-695, eff. 4-13-00.)

20 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

21 Sec. 5-6-3. Conditions of Probation and of Conditional  
22 Discharge.

23 (a) The conditions of probation and of conditional  
24 discharge shall be that the person:

25 (1) not violate any criminal statute of any  
26 jurisdiction;

27 (2) report to or appear in person before such  
28 person or agency as directed by the court;

29 (3) refrain from possessing a firearm or other  
30 dangerous weapon;

31 (4) not leave the State without the consent of the  
32 court or, in circumstances in which the reason for the  
33 absence is of such an emergency nature that prior consent

1 by the court is not possible, without the prior  
2 notification and approval of the person's probation  
3 officer;

4 (5) permit the probation officer to visit him at  
5 his home or elsewhere to the extent necessary to  
6 discharge his duties;

7 (6) perform no less than 30 hours of community  
8 service and not more than 120 hours of community service,  
9 if community service is available in the jurisdiction and  
10 is funded and approved by the county board where the  
11 offense was committed, where the offense was related to  
12 or in furtherance of the criminal activities of an  
13 organized gang and was motivated by the offender's  
14 membership in or allegiance to an organized gang. The  
15 community service shall include, but not be limited to,  
16 the cleanup and repair of any damage caused by a  
17 violation of Section 21-1.3 of the Criminal Code of 1961  
18 and similar damage to property located within the  
19 municipality or county in which the violation occurred.  
20 When possible and reasonable, the community service  
21 should be performed in the offender's neighborhood. For  
22 purposes of this Section, "organized gang" has the  
23 meaning ascribed to it in Section 10 of the Illinois  
24 Streetgang Terrorism Omnibus Prevention Act;

25 (7) if he or she is at least 17 years of age and  
26 has been sentenced to probation or conditional discharge  
27 for a misdemeanor or felony in a county of 3,000,000 or  
28 more inhabitants and has not been previously convicted of  
29 a misdemeanor or felony, may be required by the  
30 sentencing court to attend educational courses designed  
31 to prepare the defendant for a high school diploma and to  
32 work toward a high school diploma or to work toward  
33 passing the high school level Test of General Educational  
34 Development (GED) or to work toward completing a

1 vocational training program approved by the court. The  
2 person on probation or conditional discharge must attend  
3 a public institution of education to obtain the  
4 educational or vocational training required by this  
5 clause (7). The court shall revoke the probation or  
6 conditional discharge of a person who wilfully fails to  
7 comply with this clause (7). The person on probation or  
8 conditional discharge shall be required to pay for the  
9 cost of the educational courses or GED test, if a fee is  
10 charged for those courses or test. The court shall  
11 resentence the offender whose probation or conditional  
12 discharge has been revoked as provided in Section 5-6-4.  
13 This clause (7) does not apply to a person who has a high  
14 school diploma or has successfully passed the GED test.  
15 This clause (7) does not apply to a person who is  
16 determined by the court to be developmentally disabled or  
17 otherwise mentally incapable of completing the  
18 educational or vocational program; and

19 (8) if convicted of possession of a substance  
20 prohibited by the Cannabis Control Act or Illinois  
21 Controlled Substances Act after a previous conviction or  
22 disposition of supervision for possession of a substance  
23 prohibited by the Cannabis Control Act or Illinois  
24 Controlled Substances Act or after a sentence of  
25 probation under Section 10 of the Cannabis Control Act or  
26 Section 410 of the Illinois Controlled Substances Act and  
27 upon a finding by the court that the person is addicted,  
28 undergo treatment at a substance abuse program approved  
29 by the court.

30 (b) The Court may in addition to other reasonable  
31 conditions relating to the nature of the offense or the  
32 rehabilitation of the defendant as determined for each  
33 defendant in the proper discretion of the Court require that  
34 the person:

1           (1) serve a term of periodic imprisonment under  
2 Article 7 for a period not to exceed that specified in  
3 paragraph (d) of Section 5-7-1;

4           (2) pay a fine and costs;

5           (3) work or pursue a course of study or vocational  
6 training;

7           (4) undergo medical, psychological or psychiatric  
8 treatment; or treatment for drug addiction or alcoholism;

9           (5) attend or reside in a facility established for  
10 the instruction or residence of defendants on probation;

11          (6) support his dependents;

12          (7) and in addition, if a minor:

13           (i) reside with his parents or in a foster  
14 home;

15           (ii) attend school;

16           (iii) attend a non-residential program for  
17 youth;

18           (iv) contribute to his own support at home or  
19 in a foster home;

20          (8) make restitution as provided in Section 5-5-6  
21 of this Code;

22          (9) perform some reasonable public or community  
23 service;

24          (10) serve a term of home confinement. In addition  
25 to any other applicable condition of probation or  
26 conditional discharge, the conditions of home confinement  
27 shall be that the offender:

28           (i) remain within the interior premises of the  
29 place designated for his confinement during the  
30 hours designated by the court;

31           (ii) admit any person or agent designated by  
32 the court into the offender's place of confinement  
33 at any time for purposes of verifying the offender's  
34 compliance with the conditions of his confinement;

1 and

2 (iii) if further deemed necessary by the court  
3 or the Probation or Court Services Department, be  
4 placed on an approved electronic monitoring device,  
5 subject to Article 8A of Chapter V;

6 (iv) for persons convicted of any alcohol,  
7 cannabis or controlled substance violation who are  
8 placed on an approved monitoring device as a  
9 condition of probation or conditional discharge, the  
10 court shall impose a reasonable fee for each day of  
11 the use of the device, as established by the county  
12 board in subsection (g) of this Section, unless  
13 after determining the inability of the offender to  
14 pay the fee, the court assesses a lesser fee or no  
15 fee as the case may be. This fee shall be imposed in  
16 addition to the fees imposed under subsections (g)  
17 and (i) of this Section. The fee shall be collected  
18 by the clerk of the circuit court. The clerk of the  
19 circuit court shall pay all monies collected from  
20 this fee to the county treasurer for deposit in the  
21 substance abuse services fund under Section 5-1086.1  
22 of the Counties Code; and

23 (v) for persons convicted of offenses other  
24 than those referenced in clause (iv) above and who  
25 are placed on an approved monitoring device as a  
26 condition of probation or conditional discharge, the  
27 court shall impose a reasonable fee for each day of  
28 the use of the device, as established by the county  
29 board in subsection (g) of this Section, unless  
30 after determining the inability of the defendant to  
31 pay the fee, the court assesses a lesser fee or no  
32 fee as the case may be. This fee shall be imposed  
33 in addition to the fees imposed under subsections  
34 (g) and (i) of this Section. The fee shall be

1 collected by the clerk of the circuit court. The  
2 clerk of the circuit court shall pay all monies  
3 collected from this fee to the county treasurer who  
4 shall use the monies collected to defray the costs  
5 of corrections. The county treasurer shall deposit  
6 the fee collected in the county working cash fund  
7 under Section 6-27001 or Section 6-29002 of the  
8 Counties Code, as the case may be.

9 (11) comply with the terms and conditions of an  
10 order of protection issued by the court pursuant to the  
11 Illinois Domestic Violence Act of 1986, as now or  
12 hereafter amended, or an order of protection issued by  
13 the court of another state, tribe, or United States  
14 territory. A copy of the order of protection shall be  
15 transmitted to the probation officer or agency having  
16 responsibility for the case;

17 (12) reimburse any "local anti-crime program" as  
18 defined in Section 7 of the Anti-Crime Advisory Council  
19 Act for any reasonable expenses incurred by the program  
20 on the offender's case, not to exceed the maximum amount  
21 of the fine authorized for the offense for which the  
22 defendant was sentenced;

23 (13) contribute a reasonable sum of money, not to  
24 exceed the maximum amount of the fine authorized for the  
25 offense for which the defendant was sentenced, to a  
26 "local anti-crime program", as defined in Section 7 of  
27 the Anti-Crime Advisory Council Act;

28 (14) refrain from entering into a designated  
29 geographic area except upon such terms as the court finds  
30 appropriate. Such terms may include consideration of the  
31 purpose of the entry, the time of day, other persons  
32 accompanying the defendant, and advance approval by a  
33 probation officer, if the defendant has been placed on  
34 probation or advance approval by the court, if the

1 defendant was placed on conditional discharge;

2 (15) refrain from having any contact, directly or  
3 indirectly, with certain specified persons or particular  
4 types of persons, including but not limited to members of  
5 street gangs and drug users or dealers;

6 (16) refrain from having in his or her body the  
7 presence of any illicit drug prohibited by the Cannabis  
8 Control Act or the Illinois Controlled Substances Act,  
9 unless prescribed by a physician, and submit samples of  
10 his or her blood or urine or both for tests to determine  
11 the presence of any illicit drug.

12 (c) The court may as a condition of probation or of  
13 conditional discharge require that a person under 18 years of  
14 age found guilty of any alcohol, cannabis or controlled  
15 substance violation, refrain from acquiring a driver's  
16 license during the period of probation or conditional  
17 discharge. If such person is in possession of a permit or  
18 license, the court may require that the minor refrain from  
19 driving or operating any motor vehicle during the period of  
20 probation or conditional discharge, except as may be  
21 necessary in the course of the minor's lawful employment.

22 (d) An offender sentenced to probation or to conditional  
23 discharge shall be given a certificate setting forth the  
24 conditions thereof.

25 (e) The court shall not require as a condition of the  
26 sentence of probation or conditional discharge that the  
27 offender be committed to a period of imprisonment in excess  
28 of 6 months. This 6 month limit shall not include periods of  
29 confinement given pursuant to a sentence of county impact  
30 incarceration under Section 5-8-1.2. This 6 month limit does  
31 not apply to a person sentenced to probation for a fourth or  
32 subsequent violation of subsection (c-4) of Section 11-501 of  
33 the Illinois Vehicle Code.

34 Persons committed to imprisonment as a condition of

1 probation or conditional discharge shall not be committed to  
2 the Department of Corrections.

3 (f) The court may combine a sentence of periodic  
4 imprisonment under Article 7 or a sentence to a county impact  
5 incarceration program under Article 8 with a sentence of  
6 probation or conditional discharge.

7 (g) An offender sentenced to probation or to conditional  
8 discharge and who during the term of either undergoes  
9 mandatory drug or alcohol testing, or both, or is assigned to  
10 be placed on an approved electronic monitoring device, shall  
11 be ordered to pay all costs incidental to such mandatory drug  
12 or alcohol testing, or both, and all costs incidental to such  
13 approved electronic monitoring in accordance with the  
14 defendant's ability to pay those costs. The county board  
15 with the concurrence of the Chief Judge of the judicial  
16 circuit in which the county is located shall establish  
17 reasonable fees for the cost of maintenance, testing, and  
18 incidental expenses related to the mandatory drug or alcohol  
19 testing, or both, and all costs incidental to approved  
20 electronic monitoring, involved in a successful probation  
21 program for the county. The concurrence of the Chief Judge  
22 shall be in the form of an administrative order. The fees  
23 shall be collected by the clerk of the circuit court. The  
24 clerk of the circuit court shall pay all moneys collected  
25 from these fees to the county treasurer who shall use the  
26 moneys collected to defray the costs of drug testing, alcohol  
27 testing, and electronic monitoring. The county treasurer  
28 shall deposit the fees collected in the county working cash  
29 fund under Section 6-27001 or Section 6-29002 of the Counties  
30 Code, as the case may be.

31 (h) Jurisdiction over an offender may be transferred  
32 from the sentencing court to the court of another circuit  
33 with the concurrence of both courts, or to another state  
34 under an Interstate Probation Reciprocal Agreement as

1 provided in Section 3-3-11. Further transfers or retransfers  
2 of jurisdiction are also authorized in the same manner. The  
3 court to which jurisdiction has been transferred shall have  
4 the same powers as the sentencing court.

5 (i) The court shall impose upon an offender sentenced to  
6 probation after January 1, 1989 or to conditional discharge  
7 after January 1, 1992, as a condition of such probation or  
8 conditional discharge, a fee of \$25 for each month of  
9 probation or conditional discharge supervision ordered by the  
10 court, unless after determining the inability of the person  
11 sentenced to probation or conditional discharge to pay the  
12 fee, the court assesses a lesser fee. The court may not  
13 impose the fee on a minor who is made a ward of the State  
14 under the Juvenile Court Act of 1987 while the minor is in  
15 placement. The fee shall be imposed only upon an offender who  
16 is actively supervised by the probation and court services  
17 department. The fee shall be collected by the clerk of the  
18 circuit court. The clerk of the circuit court shall pay all  
19 monies collected from this fee to the county treasurer for  
20 deposit in the probation and court services fund under  
21 Section 15.1 of the Probation and Probation Officers Act.

22 (j) All fines and costs imposed under this Section for  
23 any violation of Chapters 3, 4, 6, and 11 of the Illinois  
24 Vehicle Code, or a similar provision of a local ordinance,  
25 and any violation of the Child Passenger Protection Act, or a  
26 similar provision of a local ordinance, shall be collected  
27 and disbursed by the circuit clerk as provided under Section  
28 27.5 of the Clerks of Courts Act.

29 (Source: P.A. 90-14, eff. 7-1-97; 90-399, eff. 1-1-98;  
30 90-504, eff. 1-1-98; 90-655, eff. 7-30-98; 91-325, eff.  
31 7-29-99; 91-696, eff. 4-13-00; 91-903, eff. 1-1-01.)

32 Section 99. Effective date. This Act takes effect upon  
33 becoming law."