

1 incapable of safely driving;

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

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

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

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

1 transporting a person under age 16. Every person convicted a
2 second time for violating this Section or a similar provision
3 of a local ordinance within 5 years of a previous violation
4 of this Section or a similar provision of a law of another
5 state or local ordinance shall be subject to a mandatory
6 minimum fine of \$500 and 10 days of mandatory community
7 service in a program benefiting children if the current
8 offense was committed while transporting a person under age
9 16. The imprisonment or assignment under this subsection
10 shall not be subject to suspension nor shall the person be
11 eligible for probation in order to reduce the sentence or
12 assignment.

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

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

26 (3) A person who violates this Section a fourth or
27 subsequent time during a period in which his or her
28 driving privileges are revoked or suspended where the
29 revocation or suspension was for a violation of this
30 Section, Section 11-501.1, paragraph (b) of Section
31 11-401, or Section 9-3 of the Criminal Code of 1961 is
32 guilty of a Class 2 felony.

33 (c-2) (Blank).

34 (c-3) Every person convicted of violating this Section

1 or a similar provision of a local ordinance who had a child
2 under age 16 in the vehicle at the time of the offense shall
3 have his or her punishment under this Act enhanced by 2 days
4 of imprisonment for a first offense, 10 days of imprisonment
5 for a second offense, 30 days of imprisonment for a third
6 offense, and 90 days of imprisonment for a fourth or
7 subsequent offense, in addition to the fine and community
8 service required under subsection (c) and the possible
9 imprisonment required under subsection (d). The imprisonment
10 or assignment under this subsection shall not be subject to
11 suspension nor shall the person be eligible for probation in
12 order to reduce the sentence or assignment.

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

18 (A) the person committed a violation of this
19 Section, or a similar provision of a law of another state
20 or a local ordinance when the cause of action is the same
21 as or substantially similar to this Section, for the
22 third or subsequent time;

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

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

30 (D) the person committed a violation of paragraph
31 (a) for a second time and has been previously convicted
32 of violating Section 9-3 of the Criminal Code of 1961
33 relating to reckless homicide in which the person was
34 determined to have been under the influence of alcohol,

1 other drug or drugs, or intoxicating compound or
 2 compounds as an element of the offense or the person has
 3 previously been convicted under subparagraph (C) of this
 4 paragraph (1).

5 (2) Aggravated driving under the influence of alcohol,
 6 other drug or drugs, or intoxicating compound or compounds,
 7 or any combination thereof is a Class 4 felony. For which a
 8 ~~person, if sentenced to a term of imprisonment, shall be~~
 9 ~~sentenced to not less than one year and not more than 3 years~~
 10 ~~for a violation of subparagraph (A), (B) or (D) of paragraph~~
 11 ~~(1) of this subsection (d) and not less than one year and not~~
 12 ~~more than 12 years for a violation of subparagraph (C) of~~
 13 ~~paragraph (1) of this subsection (d), the defendant, if~~
 14 sentenced to a term of imprisonment, shall be sentenced to
 15 not less than one year nor more than 12 years. For any
 16 prosecution under this subsection (d), a certified copy of
 17 the driving abstract of the defendant shall be admitted as
 18 proof of any prior conviction.

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

30 (f) Every person found guilty of violating this Section,
 31 whose operation of a motor vehicle while in violation of this
 32 Section proximately caused any incident resulting in an
 33 appropriate emergency response, shall be liable for the
 34 expense of an emergency response as provided under Section

1 5-5-3 of the Unified Code of Corrections.

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

5 (h) Every person sentenced under subsection (d) of this
6 Section and who receives a term of probation or conditional
7 discharge shall be required to serve a minimum term of either
8 30 days community service or, beginning July 1, 1993, 48
9 consecutive hours of imprisonment as a condition of the
10 probation or conditional discharge. This mandatory minimum
11 term of imprisonment or assignment of community service shall
12 not be suspended and shall not be subject to reduction by the
13 court.

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

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

29 (j) shall be used to purchase law enforcement equipment that
30 will assist in the prevention of alcohol related criminal
31 violence throughout the State. This shall include, but is
32 not limited to, in-car video cameras, radar and laser speed
33 detection devices, and alcohol breath testers. Any moneys
34 received by the Department of State Police under this

1 subsection (j) shall be deposited into the State Police DUI
2 Fund and shall be used to purchase law enforcement equipment
3 that will assist in the prevention of alcohol related
4 criminal violence throughout the State.

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

9 Section 99. Effective date. This Act takes effect upon
10 becoming law."