

1 AN ACT concerning vehicles.

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

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

6 (625 ILCS 5/11-501) (from Ch. 95 1/2, par. 11-501)

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

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

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

16 (2) under the influence of alcohol;

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

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

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

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

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

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

9 (c) Except as provided under paragraphs (c-3), (c-4),  
10 and (d) of this Section, every person convicted of violating  
11 this Section or a similar provision of a local ordinance,  
12 shall be guilty of a Class A misdemeanor and, in addition to  
13 any other criminal or administrative action, for any second  
14 conviction of violating this Section or a similar provision  
15 of a law of another state or local ordinance committed within  
16 5 years of a previous violation of this Section or a similar  
17 provision of a local ordinance shall be mandatorily sentenced  
18 to a minimum of 5 days of imprisonment or assigned to a  
19 minimum of 30 days of community service as may be determined  
20 by the court. Every person convicted of violating this  
21 Section or a similar provision of a local ordinance shall be  
22 subject to an additional mandatory minimum fine of \$500 and  
23 an additional mandatory 5 days of community service in a  
24 program benefiting children if the person committed a  
25 violation of paragraph (a) or a similar provision of a local  
26 ordinance while transporting a person under age 16. Every  
27 person convicted a second time for violating this Section or  
28 a similar provision of a local ordinance within 5 years of a  
29 previous violation of this Section or a similar provision of  
30 a law of another state or local ordinance shall be subject to  
31 an additional mandatory minimum fine of \$500 and an  
32 additional 10 days of mandatory community service in a  
33 program benefiting children if the current offense was  
34 committed while transporting a person under age 16. The

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

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

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

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

24 (c-2) (Blank).

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

1 under subsection (d). The imprisonment or assignment  
2 under this subsection shall not be subject to suspension  
3 nor shall the person be eligible for probation in order  
4 to reduce the sentence or assignment.

5 (c-4) When a person is convicted of violating Section  
6 11-501 of this Code or a similar provision of a local  
7 ordinance, the following penalties apply when his or her  
8 blood, breath, or urine was .16 or more based on the  
9 definition of blood, breath, or urine units in Section  
10 11-501.2 or when that person is convicted of violating this  
11 Section while transporting a child under the age of 16:

12 (1) A person who is convicted of violating  
13 subsection (a) of Section 11-501 of this Code a first  
14 time, in addition to any other penalty that may be  
15 imposed under subsection (c), is subject to a mandatory  
16 minimum of 100 hours of community service and a minimum  
17 fine of \$500.

18 (2) A person who is convicted of violating  
19 subsection (a) of Section 11-501 of this Code a second  
20 time within 10 years, in addition to any other penalty  
21 that may be imposed under subsection (c), is subject to a  
22 mandatory minimum of 2 days of imprisonment and a minimum  
23 fine of \$1,250.

24 (3) A person who is convicted of violating  
25 subsection (a) of Section 11-501 of this Code a third  
26 time within 20 years is guilty of a Class 4 felony and,  
27 in addition to any other penalty that may be imposed  
28 under subsection (c), is subject to a mandatory minimum  
29 of 90 days of imprisonment and a minimum fine of \$2,500.

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

1 is subject to a minimum fine of \$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;

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); or

31 (E) the person, in committing a violation of  
32 paragraph (a) while driving at any speed in a school  
33 speed zone at a time when a speed limit of 20 miles  
34 per hour was in effect under subsection (a) of

1 Section 11-605 of this Code, was involved in a motor  
2 vehicle accident that resulted in bodily harm, other  
3 than great bodily harm or permanent disability or  
4 disfigurement, to another person, when the violation  
5 of paragraph (a) was a proximate cause of the bodily  
6 harm.

7 (2) Aggravated driving under the influence of  
8 alcohol, other drug or drugs, or intoxicating compound or  
9 compounds, or any combination thereof is a Class 4  
10 felony. For ~~7-7-04-(E)~~ a violation of subparagraph (C)  
11 of paragraph (1) of this subsection (d), the defendant,  
12 if sentenced to a term of imprisonment, shall be  
13 sentenced to not less than one year nor more than 12  
14 years. For any prosecution under this subsection (d), a  
15 certified copy of the driving abstract of the defendant  
16 shall be admitted as proof of any prior conviction.

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

29 (f) Every person found guilty of violating this Section,  
30 whose operation of a motor vehicle while in violation of this  
31 Section proximately caused any incident resulting in an  
32 appropriate emergency response, shall be liable for the  
33 expense of an emergency response as provided under Section  
34 5-5-3 of the Unified Code of Corrections.

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

4           (h) Every person sentenced under paragraph (2) or (3) of  
5 subsection (c-1) of this Section or 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 60 days community service or 10 days of imprisonment as a  
9 condition of the probation or conditional discharge. This  
10 mandatory minimum term of imprisonment or assignment of  
11 community service shall not be suspended and shall not be  
12 subject to reduction by the court.

13           (i) The Secretary of State shall require the use of  
14 ignition interlock devices on all vehicles owned by an  
15 individual who has been convicted of a second or subsequent  
16 offense of this Section or a similar provision of a local  
17 ordinance. The Secretary shall establish by rule and  
18 regulation the procedures for certification and use of the  
19 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. If the  
26 person has been previously convicted of violating this  
27 Section or a similar provision of a local ordinance, the fine  
28 shall be \$200. In the event that more than one agency is  
29 responsible for the arrest, the \$100 or \$200 shall be shared  
30 equally. Any moneys received by a law enforcement agency  
31 under this subsection (j) shall be used to purchase law  
32 enforcement equipment that will assist in the prevention of  
33 alcohol related criminal violence throughout the State. This  
34 shall include, but is not limited to, in-car video cameras,

1 radar and laser speed detection devices, and alcohol breath  
2 testers. Any moneys received by the Department of State  
3 Police under this subsection (j) shall be deposited into the  
4 State Police DUI Fund and shall be used to purchase law  
5 enforcement equipment that will assist in the prevention of  
6 alcohol related criminal violence throughout the State.

7 (Source: P.A. 91-126, eff. 7-16-99; 91-357, eff. 7-29-99;  
8 91-692, eff. 4-13-00; 91-822, eff. 6-13-00; 92-248, eff.  
9 8-3-01; 92-418, eff. 8-17-01; 92-420, eff. 8-17-01; 92-429,  
10 eff. 1-1-02; 92-431, eff. 1-1-02; revised 10-12-01.)