

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

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

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

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

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

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

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

16 (2) under the influence of alcohol;

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

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

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

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

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

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

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

1 shall not be subject to suspension nor shall the person be  
2 eligible for probation in order to reduce the sentence or  
3 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 child  
27 under age 16 in the vehicle at the time of the offense shall  
28 have his or her punishment under this Act enhanced by 2 days  
29 of imprisonment for a first offense, 10 days of imprisonment  
30 for a second offense, 30 days of imprisonment for a third  
31 offense, and 90 days of imprisonment for a fourth or  
32 subsequent offense, in addition to the fine and community  
33 service required under subsection (c) and the possible  
34 imprisonment required under subsection (d). The imprisonment

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

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

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

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

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

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

30 (E) the person committed a violation of paragraph  
31 (a) while driving at any speed in a school zone at a time  
32 when a speed limit of 20 miles per hour was in effect  
33 under subsection (a) of Section 11-605.

34 (2) Aggravated driving under the influence of alcohol,

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

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

23 (f) Every person found guilty of violating this Section,  
24 whose operation of a motor vehicle while in violation of this  
25 Section proximately caused any incident resulting in an  
26 appropriate emergency response, shall be liable for the  
27 expense of an emergency response as provided under Section  
28 5-5-3 of the Unified Code of Corrections.

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

32 (h) Every person sentenced under subsection (d) of this  
33 Section and who receives a term of probation or conditional  
34 discharge shall be required to serve a minimum term of either

1 30 days community service or, beginning July 1, 1993, 48  
2 consecutive hours of imprisonment as a condition of the  
3 probation or conditional discharge. This mandatory minimum  
4 term of imprisonment or assignment of community service shall  
5 not be suspended and shall not be subject to reduction by the  
6 court.

7 (i) 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 of this Section or a similar provision of a local  
11 ordinance. The Secretary shall establish by rule and  
12 regulation the procedures for use of the interlock system.

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

32 (Source: P.A. 90-43, eff. 7-2-97; 90-400, eff. 8-15-97;  
33 90-611, eff. 1-1-99; 90-655, eff. 7-30-98; 90-738, eff.  
34 1-1-99; 90-779, eff. 1-1-99; 91-126, eff. 7-16-99; 91-357,

1 eff. 7-29-99; 91-692, eff. 4-13-00; 91-822, eff. 6-13-00.)

2 Section 99. Effective date. This Act takes effect

3 January 1, 2002.