

1 AN ACT in relation to vehicles.

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

4 Section 5. The Emergency Medical Services (EMS) Systems
5 Act is amended by changing Section 3.225 as follows:

6 (210 ILCS 50/3.225)

7 Sec. 3.225. Trauma Center Fund.

8 (a) Except as provided in subsection (a-1), the
9 Department shall distribute 97.5% of 50% of the moneys
10 deposited into the Trauma Center Fund, a special fund in the
11 State Treasury, to Illinois hospitals that are designated as
12 trauma centers. The payments to those hospitals shall be in
13 addition to any other payments paid and shall be in an amount
14 calculated under subsection paragraph (b) of this Section.

15 (a-1) Of the moneys deposited into the Fund from fines
16 collected under subsection (k) of Section 11-501 of the
17 Illinois Vehicle Code, 100% must be distributed to Illinois
18 hospitals that are designated as trauma centers. The
19 payments to those hospitals shall be in addition to any other
20 payments paid and shall be in an amount calculated under
21 subsection (b) of this Section.

22 (b) Trauma payment calculation.

23 (1) The Department shall implement an accounting
24 system to ensure that the moneys in the fund are
25 distributed.

26 (2) The moneys in the fund shall be allocated
27 proportionately to each EMS region so that the EMS region
28 receives the moneys collected from within its region for
29 violations of laws or ordinances regulating the movement
30 of traffic.

31 (3) The formula for distribution to individual

1 hospitals shall be based on factors identified in rules
2 adopted by the Department pursuant to this Act. No
3 moneys may be distributed to a trauma center located
4 outside of the State.

5 (c) Except as provided in subsection (a-1), the
6 Department may retain 2.5% of 50% of the moneys in the Trauma
7 Center Fund to defray the cost of administering the
8 distributions.

9 (Source: P.A. 89-177, eff. 7-19-95.)

10 Section 10. The Illinois Vehicle Code is amended by
11 changing Section 11-501 as follows:

12 (625 ILCS 5/11-501) (from Ch. 95 1/2, par. 11-501)

13 Sec. 11-501. Driving while under the influence of
14 alcohol, other drug or drugs, intoxicating compound or
15 compounds or any combination thereof.

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

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

21 (2) under the influence of alcohol;

22 (3) under the influence of any intoxicating
23 compound or combination of intoxicating compounds to a
24 degree that renders the person incapable of driving
25 safely;

26 (4) under the influence of any other drug or
27 combination of drugs to a degree that renders the person
28 incapable of safely driving;

29 (5) under the combined influence of alcohol, other
30 drug or drugs, or intoxicating compound or compounds to a
31 degree that renders the person incapable of safely
32 driving; or

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

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

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

1 minimum fine of \$500 and 10 days of mandatory community
2 service in a program benefiting children if the current
3 offense was committed while transporting a person under age
4 16. The imprisonment or assignment under this subsection
5 shall not be subject to suspension nor shall the person be
6 eligible for probation in order to reduce the sentence or
7 assignment.

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

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

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

28 (c-2) (Blank).

29 (c-3) Every person convicted of violating this Section
30 or a similar provision of a local ordinance who had a child
31 under age 16 in the vehicle at the time of the offense shall
32 have his or her punishment under this Act enhanced by 2 days
33 of imprisonment for a first offense, 10 days of imprisonment
34 for a second offense, 30 days of imprisonment for a third

1 offense, and 90 days of imprisonment for a fourth or
2 subsequent offense, in addition to the fine and community
3 service required under subsection (c) and the possible
4 imprisonment required under subsection (d). The imprisonment
5 or assignment under this subsection shall not be subject to
6 suspension nor shall the person be eligible for probation in
7 order to reduce the sentence or assignment.

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

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

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

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

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

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) of paragraph
6 (1) of this subsection (d) and not less than one year and not
7 more than 12 years for a violation of subparagraph (C) of
8 paragraph (1) of this subsection (d). For any prosecution
9 under this subsection (d), a certified copy of the driving
10 abstract of the defendant shall be admitted as proof of any
11 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. If the
19 person has been previously convicted of violating this
20 Section or a similar provision of a local ordinance, the fine
21 shall be \$200. In the event that more than one agency is
22 responsible for the arrest, the \$100 or \$200 shall be shared
23 equally. Any moneys received by a law enforcement agency
24 under this subsection (j) shall be used to purchase law
25 enforcement equipment that will assist in the prevention of
26 alcohol related criminal violence throughout the State. This
27 shall include, but is not limited to, in-car video cameras,
28 radar and laser speed detection devices, and alcohol breath
29 testers. Any moneys received by the Department of State
30 Police under this subsection (j) shall be deposited into the
31 State Police DUI Fund and shall be used to purchase law
32 enforcement equipment that will assist in the prevention of
33 alcohol related criminal violence throughout the State.

34 (k) In addition to any fine imposed under subsection (c)

1 or (j) of this Section, a fine of \$100 shall be levied by the
2 court, the proceeds of which shall be collected by the
3 circuit clerk and remitted to the State Treasurer under
4 Section 27.6 of the Clerks of Courts Act for deposit into the
5 Trauma Center Fund for distribution as provided under
6 subsection (a-1) of Section 3.225 of the Emergency Medical
7 Services (EMS) Systems Act.

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