

1 means a course of action that shows an actual or deliberate
2 intention to cause harm or which, if not intentional, shows an
3 utter indifference to or conscious disregard for the health or
4 safety of another.

5 (Source: P.A. 89-689, eff. 12-31-96.)

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

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

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

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

16 (2) under the influence of alcohol;

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

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

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

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

8 listed in the Methamphetamine Control and Community
9 Protection Act; or

10 (7) the person has, within 2 hours of driving or being
11 in actual physical control of a vehicle, a
12 tetrahydrocannabinol concentration in the person's whole
13 blood or other bodily substance as defined in paragraph 6
14 of subsection (a) of Section 11-501.2 of this Code. Subject
15 to all other requirements and provisions under this
16 Section, this paragraph (7) ~~(6)~~ does not apply to the
17 lawful consumption of cannabis by a qualifying patient
18 licensed under the Compassionate Use of Medical Cannabis
19 Pilot Program Act who is in possession of a valid registry
20 card issued under that Act, unless that person is impaired
21 by the use of cannabis.

22 (b) The fact that any person charged with violating this
23 Section is or has been legally entitled to use alcohol,
24 cannabis under the Compassionate Use of Medical Cannabis Pilot
25 Program Act, other drug or drugs, or intoxicating compound or
26 compounds, or any combination thereof, shall not constitute a

1 defense against any charge of violating this Section.

2 (c) Penalties.

3 (1) Except as otherwise provided in this Section, any
4 person convicted of violating subsection (a) of this
5 Section is guilty of a Class A misdemeanor.

6 (2) A person who violates subsection (a) or a similar
7 provision a second time shall be sentenced to a mandatory
8 minimum term of either 5 days of imprisonment or 240 hours
9 of community service in addition to any other criminal or
10 administrative sanction.

11 (3) A person who violates subsection (a) is subject to
12 6 months of imprisonment, an additional mandatory minimum
13 fine of \$1,000, and 25 days of community service in a
14 program benefiting children if the person was transporting
15 a person under the age of 16 at the time of the violation.

16 (4) A person who violates subsection (a) a first time,

17 if the alcohol concentration in his or her blood, breath,
18 other bodily substance, or urine was 0.16 or more based on
19 the definition of blood, breath, other bodily substance, or
20 urine units in Section 11-501.2, shall be subject, in
21 addition to any other penalty that may be imposed, to a
22 mandatory minimum of 100 hours of community service and a
23 mandatory minimum fine of \$500.

24 (5) A person who violates subsection (a) a second time,
25 if at the time of the second violation the alcohol
26 concentration in his or her blood, breath, other bodily

1 substance, or urine was 0.16 or more based on the
2 definition of blood, breath, other bodily substance, or
3 urine units in Section 11-501.2, shall be subject, in
4 addition to any other penalty that may be imposed, to a
5 mandatory minimum of 2 days of imprisonment and a mandatory
6 minimum fine of \$1,250.

7 (d) Aggravated driving under the influence of alcohol,
8 other drug or drugs, or intoxicating compound or compounds, or
9 any combination thereof.

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

15 (A) the person committed a violation of subsection
16 (a) or a similar provision for the third or subsequent
17 time;

18 (B) the person committed a violation of subsection
19 (a) while driving a school bus with one or more
20 passengers on board;

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

1 (a) and has been previously convicted of violating
2 Section 9-3 of the Criminal Code of 1961 or the
3 Criminal Code of 2012 or a similar provision of a law
4 of another state relating to reckless homicide in which
5 the person was determined to have been under the
6 influence of alcohol, other drug or drugs, or
7 intoxicating compound or compounds as an element of the
8 offense or the person has previously been convicted
9 under subparagraph (C) or subparagraph (F) of this
10 paragraph (1);

11 (E) the person, in committing a violation of
12 subsection (a) while driving at any speed in a school
13 speed zone at a time when a speed limit of 20 miles per
14 hour was in effect under subsection (a) of Section
15 11-605 of this Code, was involved in a motor vehicle
16 accident that resulted in bodily harm, other than great
17 bodily harm or permanent disability or disfigurement,
18 to another person, when the violation of subsection (a)
19 was a proximate cause of the bodily harm;

20 (F) the person, in committing a violation of
21 subsection (a), was involved in a motor vehicle,
22 snowmobile, all-terrain vehicle, or watercraft
23 accident that resulted in the death of another person,
24 when the violation of subsection (a) was a proximate
25 cause of the death;

26 (G) the person committed a violation of subsection

1 (a) during a period in which the defendant's driving
2 privileges are revoked or suspended, where the
3 revocation or suspension was for a violation of
4 subsection (a) or a similar provision, Section

5 11-501.1, paragraph (b) of Section 11-401, or for
6 reckless homicide as defined in Section 9-3 of the
7 Criminal Code of 1961 or the Criminal Code of 2012;

8 (H) the person committed the violation while he or
9 she did not possess a driver's license or permit or a
10 restricted driving permit or a judicial driving permit
11 or a monitoring device driving permit;

12 (I) the person committed the violation while he or
13 she knew or should have known that the vehicle he or
14 she was driving was not covered by a liability
15 insurance policy;

16 (J) the person in committing a violation of
17 subsection (a) was involved in a motor vehicle accident
18 that resulted in bodily harm, but not great bodily
19 harm, to the child under the age of 16 being
20 transported by the person, if the violation was the
21 proximate cause of the injury;

22 (K) the person in committing a second violation of
23 subsection (a) or a similar provision was transporting
24 a person under the age of 16; or

25 (L) the person committed a violation of subsection
26 (a) of this Section while transporting one or more

1 passengers in a vehicle for-hire.

2 (2) (A) Except as provided otherwise, a person
3 convicted of aggravated driving under the influence of
4 alcohol, other drug or drugs, or intoxicating compound or
5 compounds, or any combination thereof is guilty of a Class
6 4 felony.

7 (B) A third violation of this Section or a similar
8 provision is a Class 2 felony. If at the time of the third
9 violation the alcohol concentration in his or her blood,
10 breath, other bodily substance, or urine was 0.16 or more
11 based on the definition of blood, breath, other bodily
12 substance, or urine units in Section 11-501.2, a mandatory
13 minimum of 90 days of imprisonment and a mandatory minimum

14 fine of \$2,500 shall be imposed in addition to any other
15 criminal or administrative sanction. If at the time of the
16 third violation, the defendant was transporting a person
17 under the age of 16, a mandatory fine of \$25,000 and 25
18 days of community service in a program benefiting children
19 shall be imposed in addition to any other criminal or
20 administrative sanction.

21 (C) A fourth violation of this Section or a similar
22 provision is a Class 2 felony, for which a sentence of
23 probation or conditional discharge may not be imposed. If
24 at the time of the violation, the alcohol concentration in
25 the defendant's blood, breath, other bodily substance, or
26 urine was 0.16 or more based on the definition of blood,

1 breath, other bodily substance, or urine units in Section
2 11-501.2, a mandatory minimum fine of \$5,000 shall be
3 imposed in addition to any other criminal or administrative
4 sanction. If at the time of the fourth violation, the
5 defendant was transporting a person under the age of 16 a
6 mandatory fine of \$25,000 and 25 days of community service
7 in a program benefiting children shall be imposed in
8 addition to any other criminal or administrative sanction.

9 (D) A fifth violation of this Section or a similar
10 provision is a Class 1 felony, for which a sentence of
11 probation or conditional discharge may not be imposed. If
12 at the time of the violation, the alcohol concentration in
13 the defendant's blood, breath, other bodily substance, or
14 urine was 0.16 or more based on the definition of blood,
15 breath, other bodily substance, or urine units in Section
16 11-501.2, a mandatory minimum fine of \$5,000 shall be
17 imposed in addition to any other criminal or administrative
18 sanction. If at the time of the fifth violation, the
19 defendant was transporting a person under the age of 16, a
20 mandatory fine of \$25,000, and 25 days of community service
21 in a program benefiting children shall be imposed in
22 addition to any other criminal or administrative sanction.

23 (E) A sixth or subsequent violation of this Section or
24 similar provision is a Class X felony. If at the time of
25 the violation, the alcohol concentration in the
26 defendant's blood, breath, other bodily substance, or

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1 urine was 0.16 or more based on the definition of blood,
2 breath, other bodily substance, or urine units in Section
3 11-501.2, a mandatory minimum fine of \$5,000 shall be
4 imposed in addition to any other criminal or administrative
5 sanction. If at the time of the violation, the defendant
6 was transporting a person under the age of 16, a mandatory
7 fine of \$25,000 and 25 days of community service in a
8 program benefiting children shall be imposed in addition to
9 any other criminal or administrative sanction.

10 (F) For a violation of subparagraph (C) of paragraph
11 (1) of this subsection (d), the defendant, if sentenced to
12 a term of imprisonment, shall be sentenced to not less than
13 one year nor more than 12 years.

14 (G) A violation of subparagraph (F) of paragraph (1) of
15 this subsection (d) is a Class 2 felony, for which the
16 defendant, unless the court determines that extraordinary
17 circumstances exist and require probation, shall be
18 sentenced to: (i) a term of imprisonment of not less than 3
19 years and not more than 14 years if the violation resulted
20 in the death of one person; or (ii) a term of imprisonment
21 of not less than 6 years and not more than 28 years if the
22 violation resulted in the deaths of 2 or more persons.

23 (H) For a violation of subparagraph (J) of paragraph
24 (1) of this subsection (d), a mandatory fine of \$2,500, and
25 25 days of community service in a program benefiting
26 children shall be imposed in addition to any other criminal

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1 or administrative sanction.

2 (I) A violation of subparagraph (K) of paragraph (1) of
3 this subsection (d), is a Class 2 felony and a mandatory
4 fine of \$2,500, and 25 days of community service in a
5 program benefiting children shall be imposed in addition to
6 any other criminal or administrative sanction. If the child
7 being transported suffered bodily harm, but not great
8 bodily harm, in a motor vehicle accident, and the violation
9 was the proximate cause of that injury, a mandatory fine of
10 \$5,000 and 25 days of community service in a program
11 benefiting children shall be imposed in addition to any
12 other criminal or administrative sanction.

13 (J) A violation of subparagraph (D) of paragraph (1) of
14 this subsection (d) is a Class 3 felony, for which a
15 sentence of probation or conditional discharge may not be
16 imposed.

17 (3) Any person sentenced under this subsection (d) who
18 receives a term of probation or conditional discharge must
19 serve a minimum term of either 480 hours of community
20 service or 10 days of imprisonment as a condition of the
21 probation or conditional discharge in addition to any other
22 criminal or administrative sanction.

23 (e) Any reference to a prior violation of subsection (a) or
24 a similar provision includes any violation of a provision of a
25 local ordinance or a provision of a law of another state or an
26 offense committed on a military installation that is similar to

1 a violation of subsection (a) of this Section.

2 (f) The imposition of a mandatory term of imprisonment or
3 assignment of community service for a violation of this Section
4 shall not be suspended or reduced by the court.

5 (g) Any penalty imposed for driving with a license that has
6 been revoked for a previous violation of subsection (a) of this
7 Section shall be in addition to the penalty imposed for any
8 subsequent violation of subsection (a).

9 (h) For any prosecution under this Section, a certified
10 copy of the driving abstract of the defendant shall be admitted