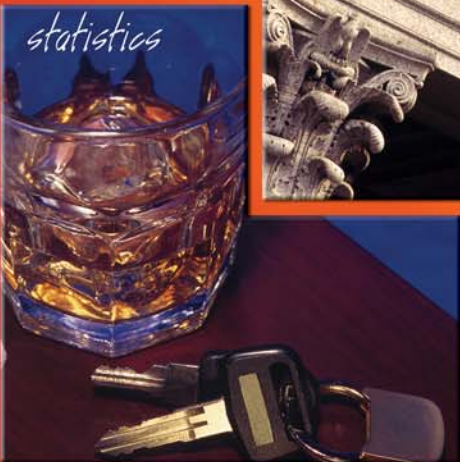


DUI FACT BOOK

2006





A MESSAGE FROM

JESSE WHITE
SECRETARY OF STATE

I am pleased to present the 2006 *Illinois DUI Fact Book*, which contains statistics and other information on Illinois' efforts to combat drunk driving. In the last year, the number of people killed in alcohol-related crashes reached a historical low in Illinois; however, motor vehicle crashes continue to be the leading cause of death for people ages 2 to 33.

The Secretary of State's office remains at the forefront in combating this serious crime, which continues to take innocent lives. Toward that effort, my office has produced a new DUI video and several public service announcements promoting the anti-drinking and driving message. The DUI video is used by my office's Traffic Safety Speaker's Bureau to engage adults and young people in conversations about the deadly consequences of drinking and driving. The four PSAs, which were released to television stations across the state in September 2005, target people of all ages. For more information on the DUI video or PSAs, please call the Traffic Safety Hotline at 866-247-0213.

I look forward to continuing my work with the judicial community, victim advocacy groups and members of the General Assembly to educate Illinois drivers about the dangers of drinking and driving.

Jesse White

Jesse White
Secretary of State

This edition of the *DUI Fact Book* is as accurate as possible at the time of publication. This manual does not cover every aspect of Illinois DUI laws and should not be cited as a legal authority in court.

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Table of Contents

PAGE

Driving Under the Influence	3
DUI Facts — Illinois in 2004, Nationally, Facts about .08	4-5
Chronology of a DUI Arrest	6
Statutory Summary Suspension	7
Penalties for a DUI Conviction	9-13
Penalties for Other DUI-Related Offenses	14-16
Administrative License Revocations	16
Judicial Hearings	17
Driving Permits	17-18
Driver's License Reinstatement	19-20
Case Dispositions	21
“Use It & Lose It” and Underage DUI	23
Offenses Related to Underage Drinking	24
Secretary of State Programs	27
Victims' Rights	28
Emergency Room Reporting of Injured Impaired Drivers	29
History of DUI Laws in Illinois	30-36

CHARTS:

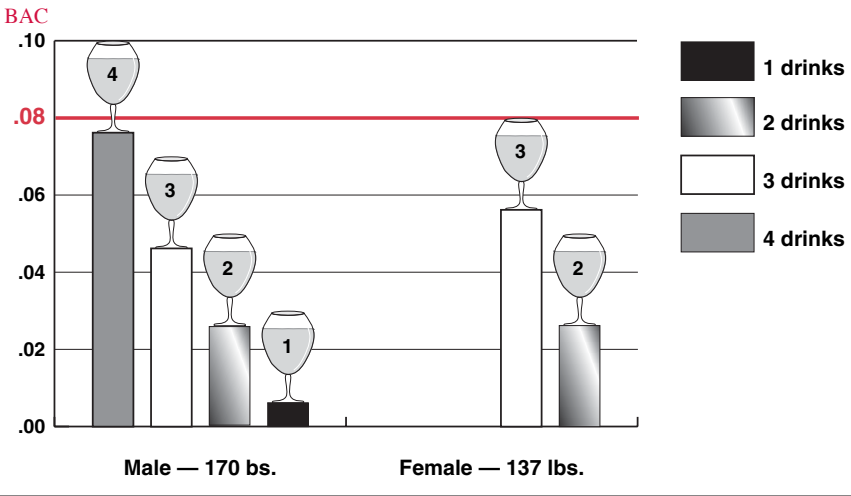
Where is .08?	2
2004 BAC Levels of Drivers Who Failed a Chemical Test	3
2004 Illinois DUI Arrest Rate	5
Statutory Summary Suspension Penalties	8
Illegal Transportation Convictions	15
2004 DUI Case Dispositions	21
Average Cost of a DUI Conviction in Illinois	22
Under 21 DUI Arrests & Zero Tolerance Violations	23
“Use It & Lose It”/Zero Tolerance Violations, 2003-2004	25-26
Drivers Arrested for DUI, 2002-2004	37-39

Blood-Alcohol Limits in Illinois

Drivers under age 2100
School bus drivers.....	.00
Commercial driver's license holders.....	.04
Drivers age 21 and over08

Where is .08?

Number of drinks and blood-alcohol concentration (BAC) level
in ONE HOUR of drinking



1 drink = .54 ounces of pure alcohol*

*all contain an equivalent
amount of alcohol*

- 1 can of beer
- 1 glass of wine
- 1 shot of liquor

* The amount of alcohol in a poured/mixed drink is dependent on the type of drink and the person who pours it.

Driving Under the Influence

“Driving Under the Influence” is defined as operating a motor vehicle while impaired by alcohol, other drugs or intoxicating compounds. In Illinois, a driver is legally considered to be under the influence if he/she has a blood-alcohol concentration (BAC) of .08 percent or greater, has used any illegal substance, or is impaired by medication. A driver's BAC is based on the ratio of alcohol to blood or breath. However, an individual showing alcohol levels between .05 and .08 percent may be convicted of DUI if additional evidence determines that the driver was impaired.

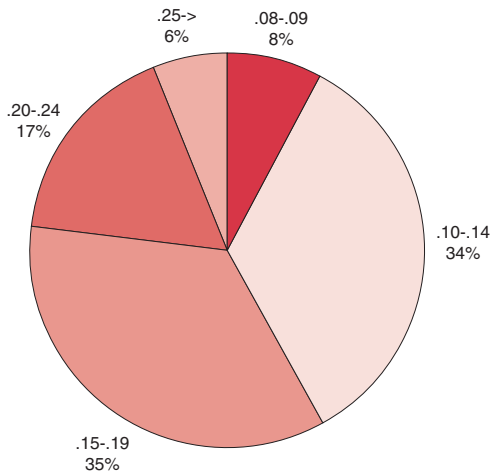
When the Illinois General Assembly passed legislation in 1997 to lower the illegal BAC limit to .08 percent from .10 percent, Illinois became the 15th state to impose such a change.

The effect of alcohol on an individual is determined primarily by two factors: the amount of alcohol consumed and the rate at which it is absorbed by the body. Other contributing factors include gender, body weight, alcohol tolerance, mood, environment and the amount of food consumed.

From the first drink, alcohol affects coordination and judgment. Even with a BAC well below .08 percent, a person's reaction time slows. The risk of being in a crash begins to increase between a BAC of .04 and .05 percent and increases rapidly thereafter. By the time a driver reaches a BAC of .06 percent, he/she is twice as likely to be involved in a fatal crash as a non-drinking driver. By the time a driver reaches a BAC of .08 percent, he/she is 11 times more likely to be killed in a single-vehicle crash than a non-drinking driver.

The only way to rid the body of alcohol is time. Fresh air, coffee, a shower and food cannot help a person sober up. It takes about one hour for the body to metabolize one drink. Each of the following has a comparable amount of alcohol and counts as one drink: one 12-oz. mug of beer, one 5-oz. glass of wine or one 1.5-oz. shot of hard liquor. (The amount of alcohol in a poured/mixed drink is dependent on the type of drink and the person who pours it.)

2004 BAC Levels of Drivers Who Failed a Chemical Test



DUI Facts

Illinois in 2004:

- 604 people were killed in alcohol-related crashes, which was 44 percent of the 1,356 total crash fatalities.
- More than 50,147 DUI arrests were recorded by the Secretary of State's office.
- 92 percent of all drivers arrested for DUI, who were eligible, lost their driving privileges.
- 2,694 drivers under age 21 lost their driving privileges due to "Use It & Lose It" law violations.
- 18 percent of those arrested for DUI are women, who represent 50 percent of all licensed drivers.
- Males ages 21-24 had the highest DUI arrest rate (about 28 per 1,000 licensed drivers). This rate was four times greater than that of all other drivers arrested for DUI (6 per 1,000).
- 83 percent of all drivers arrested for DUI are first offenders.

Nationally:

- Alcohol-related crash fatalities totaled 16,694 in 2004.
- Alcohol-related occupant fatalities decreased 2.4 percent from 2003 to 2004.
- Drivers with a BAC greater than .08 who were killed in crashes were 10 times as likely to have a prior conviction for driving while intoxicated.

Facts about .08:

- Illinois' .08 BAC limit was signed into law July 2, 1997. .08 is a measurement of the blood-alcohol concentration level at which drivers are considered intoxicated and, therefore, are prohibited from driving on Illinois roadways.
- All 50 states, the District of Columbia and Puerto Rico have .08 BAC per se laws.
- At .08, all drivers are impaired to the point that critical driving skills are greatly diminished. Studies indicate that at a .08 BAC level, a driver's steering, braking, speed control, lane changing, gear changing and judgments of speed and distance are all significantly impaired.
- To reach .08, a 170-lb. male would have to consume **four** or more drinks in a one-hour period on an empty stomach. A 137-lb. female would have to consume **three** drinks in one hour to reach .08. A drink is considered a 12-oz.

beer, a 5-oz. glass of wine or a cocktail containing 1.5 ounces of 80-proof liquor.

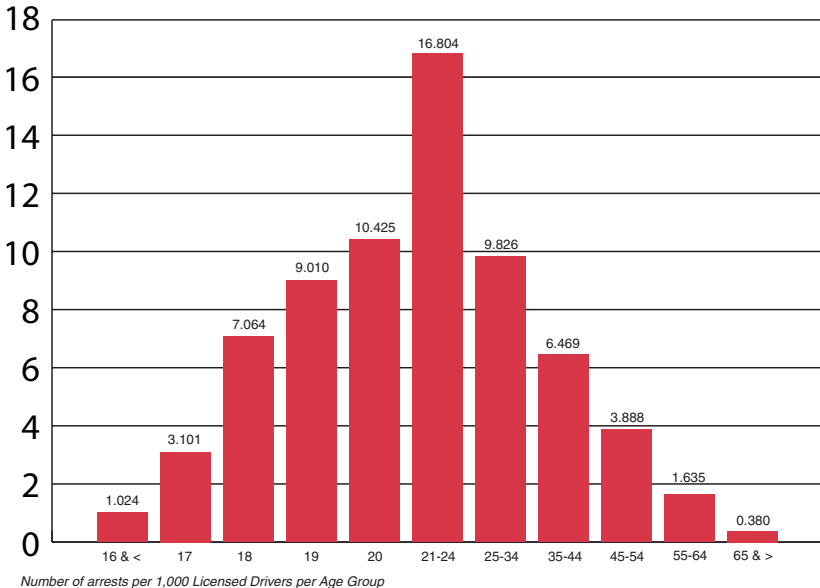
- At .08, a driver is three times more likely to be involved in a car crash than a sober driver, and 11 times more likely to be killed in a single-vehicle crash.
- Skeptics of .08 laws suggest that repeat offenders are the “real” problem with regard to drunk driving. However, about 80 percent of alcohol-related crash fatalities are caused by drivers with no arrests for drunk driving during the previous three years.

Profile of an Illinois Drunk Driver

The average DUI offender is:

- male (82 percent of those arrested are men)
- age 34 (61 percent of those arrested are under age 35)
- arrested between 11 p.m. and 4 a.m. on a weekend
- caught driving with a BAC level of .16 percent

2004 Illinois DUI Arrest Rate



Number of arrests per 1,000 Licensed Drivers per Age Group

Chronology of a DUI Arrest

- An officer stops a vehicle at a roadside safety check or for probable cause, reasonable suspicion or unusual operation.
- The officer observes the driver and requests a driver's license, vehicle registration and insurance card.
- If the officer suspects the driver is under the influence, the driver is requested to submit to field sobriety tests.
- If the officer does not suspect the driver is under the influence, the driver is released with any applicable violations.
- If the officer has probable cause based on the field sobriety tests, the driver is placed under arrest for DUI and taken to the police station. The driver is requested to submit to a chemical testing of breath, urine or blood.
- If the chemical test determines the driver is not under the influence, the driver is released with any applicable violations.
- If a tested driver's BAC is more than .05 but less than .08 percent and no drugs are found in the system, no Statutory Summary Suspension will apply. However, the associated DUI charge will remain until appropriate action is taken by the court.
- If the driver refuses or fails to complete testing, the Statutory Summary Suspension will apply. A repeat offender who refuses testing will not be eligible for a Restricted Driving Permit (RDP) during the three-year suspension. A repeat offender who takes the test and fails is not eligible for an RDP during the 12-month suspension.
- If the driver's test results show a BAC of .08 percent or more, or any trace of a drug, illegal substance or intoxicating compound, the driver will be issued a law enforcement sworn report notifying the driver of a Statutory Summary Suspension (see page 7).
- If the driver's license is valid, a receipt is issued that will allow driving for 45 days.
- A driver may obtain additional testing at his/her own expense; the results are admissible in court.
- The offender is required to post bond and may be detained until bond is posted.
- The offender's vehicle may be towed, impounded or seized.

Statutory Summary Suspension

A Statutory Summary Suspension is an administrative procedure providing for the automatic driver's license suspension of a driver arrested for DUI who fails chemical testing (a test showing a BAC of .08 percent or more or any amount of cannabis, controlled substance or intoxicating compound) or who refuses to submit to or fails to complete testing.

- **Penalty for *failing* chemical testing:**
 - first offense** — mandatory 3-month driver's license suspension
 - second offense** — mandatory 12-month suspension
- **Penalty for *refusing* to submit to chemical testing:**
 - first offense** — mandatory 6-month driver's license suspension
 - second offense** — mandatory 36-month suspension

A Statutory Summary Suspension does not apply to an individual who has a BAC of less than .08. If a BAC greater than .05 and additional evidence such as an open container warrants a DUI arrest, the outcome of the court case will determine if penalties apply.

Summary suspensions are automatic, effective on the 46th day from the notice date of the suspension. This suspension of driving privileges does not take the place of criminal penalties for a DUI conviction. An offender may request a judicial hearing (see page 17) to challenge the legality of an arrest; however, the request does not stop the suspension from taking effect.

If a commercial driver's license (CDL) holder receives a Statutory Summary Suspension, his/her CDL privileges will be disqualified for 12 months if a first offender and lifetime disqualification for a second offender.

A Judicial Driving Permit (JDP) may be available to qualifying offenders during the suspension period (see pages 17-18).

Statutory Summary Suspension Penalties

Offense	Loss of Driving Privileges	Driving Permit
Failing Chemical Testing, First Offense	3 months	Eligible for JDP on 31st day of suspension
Refusing to Submit to Chemical Testing, First Offense	6 months	Eligible for JDP on 31st day of suspension
Failing Chemical Testing, Second or Subsequent Offense Within 5 Years	12 months	Not eligible for JDP; not eligible for RDP
Refusing to Submit to Chemical Testing, Second or Subsequent Offense Within 5 Years	36 months	Not eligible for JDP; not eligible for RDP

During 2004, 92 percent of drivers arrested for DUI who either failed or refused chemical testing lost their driving privileges; 83 percent of those were first offenders. About 62 percent of the summary suspensions were for failed chemical tests, while 38 percent were for refusals. The Secretary of State's office also recorded 281 suspensions for Illinois drivers who refused chemical tests in other states.

If an Illinois driver refuses to submit to chemical testing in another state, his/her Illinois driving privileges will be suspended.

Penalties for a DUI Conviction

Penalties for DUI in Illinois vary depending upon the circumstances of the arrest and conviction, including age of the driver, driver's BAC level, whether children were being transported and whether the driver had previous DUI convictions.

Driving Under the Influence

- **First conviction (under age 21)** — Class A misdemeanor with possible 0-12 months imprisonment; loss of driving privileges for minimum 2 years; 100 hours community service; fines of up to \$2,500; eligible for Restricted Driving Permit (RDP) after one year of revocation; may be required to have a BAIID installed in vehicle as part of driving relief.
- **First conviction (over age 21)** — Class A misdemeanor with possible 0-12 months imprisonment; loss of driving privileges for minimum 1 year; 100 hours community service; fines of up to \$2,500; eligible for RDP; may be required to have a BAIID installed in vehicle as part of driving relief.
- **Second conviction** — Class A misdemeanor with possible 0-12 months imprisonment; fines of up to \$2,500; eligible for RDP after one year of revocation; required to have a BAIID installed in vehicle as part of driving relief; loss of driving privileges for minimum 5 years if committed within 20 years of first conviction.
 - **Within five years of first conviction:** Mandatory 5 days in jail or 240 hours community service (terms of imprisonment or community service not subject to suspension/reduction nor is offender eligible for probation); fines of up to \$2,500; eligible for RDP after one year of revocation; required to have a BAIID installed in vehicle as part of driving relief.
- **Third conviction (Aggravated DUI)** — Class 2 felony with possible 3-7 years imprisonment; mandatory minimum 10 days in jail or 480 hours community service; fines of up to \$25,000; loss of driving privileges for minimum 10 years.
 - **Within five years of previous conviction:** Mandatory minimum 10 days in jail or 480 hours community service (terms of imprisonment or community service not subject to suspension/reduction nor is offender eligible for probation); eligible for RDP after one year of revocation; required to have a BAIID installed in vehicle as part of driving relief.
- **Fourth conviction (Aggravated DUI)** — Class 2 felony with possible 3-7 years imprisonment; fines of up to \$25,000; lifetime loss of driving privileges; not eligible for any type of driving relief.
- **Fifth conviction (Aggravated DUI)** — Class 1 felony with possible 4-15 years imprisonment; fines of up to \$25,000; lifetime revocation of driving privileges; not eligible for any type of driving relief.

- **Sixth or subsequent conviction (Aggravated DUI)** — Class X felony with possible 6-30 years imprisonment; fines of up to \$25,000; lifetime revocation of driving privileges; not eligible for any type of driving relief.

Driving Under the Extreme Influence — BAC of .16 or greater

- **First conviction** — Class A misdemeanor with possible 0-12 months imprisonment; loss of driving privileges for minimum 1 year (if under 21, minimum 2 years); 100 hours community service; fines of \$500-\$2,500; eligible for RDP; may be required to have a BAIID installed in vehicle as part of driving relief.
- **Second conviction** — Class A misdemeanor with possible 0-12 months imprisonment; loss of driving privileges for minimum 5 years if committed within 20 years of first conviction.
 - **Within five years of first conviction:** Mandatory 7 days in jail; community service may be awarded in addition to, but not in lieu of jail time; fines between \$1,250-\$2,500; eligible for RDP after one year of revocation; required to have a BAIID installed in vehicle as part of driving relief.
 - **Within 10 years of first conviction:** Mandatory 2 days in jail; fines of \$1,250-\$2,500; eligible for RDP after one year of revocation; required to have a BAIID installed in vehicle as part of driving relief.
- **Third conviction (Aggravated DUI)** — Class 2 felony with possible 3-7 years imprisonment; mandatory 90 days imprisonment (not eligible for community service); fines of \$2,500-\$25,000; loss of driving privileges for minimum 10 years; eligible for RDP after one year of revocation; required to have a BAIID installed in vehicle as part of driving relief.
 - **Within 20 years of previous conviction:** Loss of driving privileges for minimum 10 years.
- **Fourth conviction (Aggravated DUI)** — Class 2 felony with possible 3-7 years imprisonment (not eligible for probation or conditional discharge); minimum fine of \$2,500.

Driving Under the Influence — Child Endangerment

(driver over age 21 transporting a child under age 16)

- **First conviction** — Mandatory 6 months in jail and 25 days of community service in a program benefiting children; loss of driving privileges for minimum 1 year; fines of \$1,000-\$2,500; eligible for RDP; may be required to have a BAIID installed in vehicle as part of driving relief.
 - **If resulting in bodily harm to a child:** Class 4 felony with possible 1-3 years imprisonment; mandatory fine of \$2,500-\$25,000 and 25 days of community service in a program benefiting children (imprisonment or assignment to community service not subject to suspension); not eligible for probation.

- **Second conviction** — Class A misdemeanor with possible 0-12 months imprisonment; mandatory 6 months in jail and 140 hours community service, 40 hours of which in program benefiting children (terms of imprisonment or community service not subject to suspension/reduction); not eligible for probation; fines of \$1,000-\$2,500; loss of driving privileges for minimum 5 years if committed within 20 years of first conviction; eligible for RDP; required to have a BAIID installed in vehicle as part of driving relief.
 - **Within 10 years of first conviction:** Class 4 felony with possible 1-3 years imprisonment; mandatory 1 year in jail and 25 hours community service in program benefiting children (terms of imprisonment or community service not subject to suspension/reduction); not eligible for probation; minimum fine of \$2,500; eligible for RDP; required to have a BAIID installed in vehicle as part of driving relief.
 - **Within 10 years of first conviction and resulting in bodily harm to a child:** 18 months in jail; 25 days community service in program benefiting children (terms of imprisonment or community service not subject to suspension/reduction); not eligible for probation; mandatory minimum fine of \$5,000-\$25,000.
- **Third conviction (Aggravated DUI)** — Class 2 felony with possible 3-7 years imprisonment; 25 days community service in program benefiting children (terms of imprisonment or community service not subject to suspension/reduction); not eligible for probation; mandatory fine of \$2,500-\$25,000; loss of driving privileges for minimum 10 years.
 - **Within 20 years of previous conviction:** Class 2 felony with possible 3-7 years imprisonment; mandatory 3 years in jail and 25 days community service in program benefiting children (imprisonment or assignment of community service not subject to suspension); not eligible for reduced sentence; mandatory fine of \$25,000.
- **Fourth conviction (Aggravated DUI)** — Class 2 felony with possible 3-7 years imprisonment; not eligible for probation/conditional discharge; minimum fine of \$25,000.

DUI while Suspended or Revoked for Previous DUI; Leaving the Scene of a Personal Injury or Fatal Crash; Reckless Homicide; or Aggravated DUI with a Death

- **First conviction** — Class 4 felony with possible 1-3 years imprisonment; loss of driving privileges for double the original suspension period or additional 1-year revocation.
 - **If suspended for previous DUI:** Additional 30 consecutive days in jail, 40 days of 24-hour periodic imprisonment or 720 hours community service (terms of imprisonment or community service not subject to sus-

pension/reduction); not eligible for probation; fines of up to \$2,500; may result in seizure and forfeiture of vehicle.

- **Second conviction** — Class 4 felony with possible 1-3 years imprisonment; mandatory 30 days in jail or 200 hours community service; loss of driving privileges for double the original suspension period or additional 1-year revocation.
 - **If suspended for previous DUI:** Additional 30 consecutive days in jail, 40 days of 24-hour periodic imprisonment or 720 hours community service (terms of imprisonment or community service not subject to suspension/reduction); not eligible for probation; fines of up to \$2,500; may result in seizure and forfeiture of vehicle.
- **Third conviction** — Mandatory minimum 10 days in jail or 480 hours community service; loss of driving privileges for double the original suspension period or additional 1-year revocation.
 - **If suspended for previous DUI:** Additional 30 consecutive days in jail, 40 days of 24-hour periodic imprisonment or 720 hours community service (terms of imprisonment or community service not subject to suspension/reduction); not eligible for probation; may result in seizure and forfeiture of vehicle.
- **Fourth conviction** — Class 2 felony with possible 3-7 years imprisonment (not eligible for probation or conditional discharge); fines of up to \$25,000; may result in seizure and forfeiture of vehicle.

Additional Consequences of DUI

- A DUI conviction is a permanent part of an offender's driving record.
- The offender may lose work time.
- The offender will be required to complete an alcohol/drug evaluation and an alcohol/drug remedial education course or substance abuse treatment program before his/her driving privileges are reinstated.
- The offender must meet the requirements of the Secretary of State's Department of Administrative Hearings prior to obtaining a Restricted Driving Permit (see page 18).
- The offender's vehicle may be impounded or seized.
- A Breath Alcohol Ignition Interlock Device (BAIID) may be installed in the offender's vehicle as a condition of driving relief.
- The offender is required to carry high-risk auto insurance for 36 consecutive months.
- The offender's vehicle registration will be suspended or revoked.

The DUI criminal charge is prosecuted and adjudicated in the courts. This charge is separate from the Statutory Summary Suspension, which is an administrative process. A person convicted of DUI who lost his/her driving privileges because of a summary suspension will have that time credited to the minimum driver's license revocation period.

Full driving privileges are lost for a minimum of five years if a driver receives a second conviction for any of the following: DUI; leaving the scene of a personal injury or fatal crash; reckless homicide, or any combination of these offenses in a 20-year period. If a driver receives a third conviction for any of these offenses, regardless of the length of time between convictions, full driving privileges will be lost for a minimum 10 years. If a driver receives a fourth or subsequent conviction, his/her license will be revoked permanently. If a driver is convicted of DUI in another state, Illinois driving privileges will be revoked.

Of the driver's license revocations in 2004, 3,724 were for second offenses, 1,067 were for third offenses, and 598 were for fourth or subsequent offenses resulting in a lifetime revocation.

Penalties for Other DUI-Related Offenses

Aggravated DUI

A third or subsequent DUI conviction; a DUI while driving a school bus carrying children; a DUI resulting in great bodily harm, permanent disability or disfigurement; a DUI without a license or permit; a DUI with no proof of insurance; or a DUI after a prior conviction of reckless homicide or Aggravated DUI resulting in one or more details. See pages 9-12 (third or subsequent DUI convictions) for penalties.

Aggravated DUI Involving a Death

A DUI resulting in one or more deaths.

- Class 2 felony with possible 3-14 years imprisonment; fines of up to \$25,000.
- Possible 6-28 years imprisonment for multiple fatalities.
- Minimum 2-year revocation of driving privileges.

Reckless Homicide (DUI)

A DUI resulting in the loss of life.

- Class 2 felony with possible 3-14 years imprisonment; fines of up to \$25,000.
- Possible 6-28 years imprisonment for multiple fatalities.
- Minimum 2-year revocation of driving privileges.

Possession of Drugs in a Vehicle

Illegal possession of a controlled substance or cannabis by a driver; violations must be entered in court records and reported to the Secretary of State.

- 1-year suspension of driving privileges for a first conviction.
- 5-year suspension of driving privileges for a second conviction within 5 years.

Knowingly Permitting a Driver Under the Influence to Operate a Vehicle

- Class A misdemeanor with possible 0-12 months imprisonment and fines of up to \$2,500.

Driving on a Suspended or Revoked License

- **First conviction** — Class A misdemeanor with possible 0-12 months imprisonment; mandatory 10-day imprisonment or 30 days community service; fines of up to \$2,500; loss of driving privileges for double the original suspension period or additional 1-year revocation; may result in seizure or forfeiture of vehicle.
- **Second conviction** — Class 4 felony with possible 1-3 years imprisonment; minimum 30 days in jail or 300 hours community service; fines of up to \$25,000; loss of driving privileges for double the original suspension period or additional 1-year revocation; may result in seizure or forfeiture of vehicle.
- **Third conviction** — Class 4 felony with possible 1-3 years imprisonment; minimum 30 days in jail or 300 hours community service; fines of up to

\$25,000; loss of driving privileges for double the original suspension period or additional 1-year revocation; may result in seizure or forfeiture of vehicle.

- **Fourth-ninth conviction** — Class 4 felony with possible 1-3 years imprisonment; minimum 180 days in jail; fines of up to \$25,000; loss of driving privileges for double the original suspension period or additional 1-year revocation; may result in seizure or forfeiture of vehicle.
- **10th-14th conviction** — Class 3 felony with possible 2-5 years imprisonment; not eligible for probation or conditional discharge; fines of up to \$25,000; loss of driving privileges for double the original suspension period or additional 1-year revocation; may result in seizure or forfeiture of vehicle.
- **15th or subsequent conviction** — Class 2 felony with possible 3-7 years imprisonment; not eligible for probation or conditional discharge; fines of up to \$25,000; loss of driving privileges for double the original suspension period or additional 1-year revocation; may result in seizure or forfeiture of vehicle.

Dram Shop

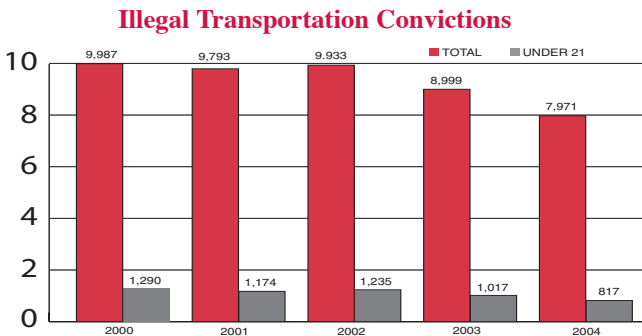
An employee or owner of an establishment may be held liable for a crash resulting from the unlawful selling, giving or delivery of alcohol in that establishment to a minor, intoxicated person or person known to be under legal disability or in need of mental treatment.

- Liability is limited to \$50,467 for property damage or personal injury.
- Liability extends to \$61,682 for a loss of means of support due to death or injury.

Illegal Transportation/Open Container

Transporting, carrying, possessing or having any alcoholic beverages in the passenger compartment of a motor vehicle, except in the original container with the seal unbroken, is illegal. Exceptions to the law are limousines, motor homes, mini motor homes and chartered buses not hired for school purposes.

- Maximum \$1,000 fine and point-assigned violation on driver's record.
- 1-year driver's license suspension or revocation for a second conviction within 12 months.
- Mandatory 1-year license suspension for an offender under age 21 for a first offense, and mandatory license revocation for a second offense.



Fraudulent IDs and Driver's Licenses

It is illegal to assist in obtaining or to fraudulently obtain, distribute, use or possess a fictitious or fraudulent state ID card or driver's license. The Secretary of State has the authority to suspend (up to 12 months) or revoke driving privileges prior to a conviction for anyone involved in the following offenses:

Class A misdemeanors (subsequent offenses are Class 4 felonies)

- Possessing, attempting to obtain or assisting another in obtaining a fictitious driver's license or permit.
- Allowing another person to use your license or permit.
- Displaying or representing as one's own any license or permit issued to someone else.
- Allowing any unlawful use of one's license or permit.

Class 4 felonies (subsequent offenses may be Class 3 felonies)

- Possessing, attempting to obtain or assisting another in obtaining a fraudulent license or permit.
- Issuing or assisting in the issuance of a fictitious driver's license.
- Manufacturing, possessing or providing any document for the purpose of obtaining a fictitious license.
- Possessing a driver's license-making or permit-making implement.

Administrative License Revocations

Administrative license revocations, administered by the Secretary of State's office in cooperation with county state's attorneys, allow for the quick revocation of driving privileges of individuals who have been involved in a serious injury or fatal crash. Drivers charged with DUI or other serious offenses may have their driving privileges revoked without a hearing only after the Secretary of State's office receives sufficient evidence from a state's attorney. Unless the revocation is contested through an administrative hearing, the privileges remain revoked until the case is adjudicated.

The Illinois Supreme Court ruled in 1986 that an administrative revocation does not violate a person's right to due process. While acknowledging a driver's license is a privilege deserving of protection, the court ruled the privilege is outweighed by the public interest to promote safe highways.

Judicial Hearings

A driver may request a judicial hearing to challenge a summary suspension within 90 days after the notice date. The hearing must be conducted within 30 days of the request or on the first court date scheduled to consider the criminal charges. Legally, only four issues may be considered:

- Whether the person was properly arrested;
- Whether there were reasonable grounds to believe at the time of arrest that the person was driving or in physical control of the vehicle while under the influence of alcohol or other drugs;
- Whether the driver, after being informed of the impending summary suspension, refused to submit to chemical testing; and
- Whether, after being advised of the summary suspension, the driver submitted to chemical testing that showed a BAC of .08 or greater or any trace of cannabis, a controlled substance and/or intoxicating compounds.

The summary suspension is rescinded if the court rules in favor of the driver. The result of the hearing is entered on the driver's record.

About 15 percent of the 50,147 Statutory Summary Suspensions processed in 2004 were rescinded, compared to 14 percent in 2003.

Driving Permits

Drivers who have had their licenses suspended or revoked may be granted limited driving privileges. These temporary driving permits are **only issued** for employment, education and/or medical purposes when no other form of transportation is available. Some offenders may be required to have a Breath Alcohol Ignition Interlock Device (BAIID) installed in their vehicles as a condition for the issuance of a permit.

Judicial Driving Permit (JDP)

- Drivers under age 18 are not eligible for a JDP.
- First-time DUI offenders may request a JDP from the court to allow limited driving during a Statutory Summary Suspension. (A first-time offender is a driver who has not received a previous summary suspension, been convicted of DUI or assigned court supervision for DUI in this state, or who has not been convicted of DUI in another state within five years.)

- Before the court can approve a permit, the offender must prove a hardship exists and provide proof of a current professional alcohol and drug evaluation.
- The JDP does not become effective until the 31st day of suspension.
- A commercial driver's license (CDL) holder does not qualify for a JDP to operate a commercial motor vehicle. The driver may be eligible for a JDP for base driving privileges if the driver is a first offender.

Of the 41,457 suspended first offenders in 2004, 19 percent (8,032) were issued JDPs.

Restricted Driving Permit (RDP)

- If eligible, those convicted of DUI may apply to the Secretary of State's office for an RDP.
- A multiple offender whose BAC test results are .08 percent or greater or whose chemical test indicates any amount of a controlled substance, is not eligible for an RDP during the summary suspension period.
- A multiple offender who refuses to submit to or fails to complete chemical testing is not eligible for an RDP during the summary suspension.
- A driver under age 16 whose driving privileges are revoked is not eligible for an RDP.
- To obtain an RDP, the offender must prove hardship exists, provide a current professional drug and alcohol evaluation and, when appropriate, provide proof of remedial education or treatment.
- An offender must appear before a hearing officer in the Secretary of State's Department of Administrative Hearings. The driving record is reviewed to ensure that the driver would not threaten public safety if allowed to drive on a limited basis.
- An individual with two or more alcohol-related driving incidents on his/her driving record within 10 years is required to have a Breath Alcohol Ignition Interlock Device (BAIID) installed in his or her vehicle for the duration of the RDP. As required by statute, the individual is responsible for the fee required for the BAIID during this period.
- An individual requesting a formal hearing for an RDP or reinstatement of his or her driving privileges will be charged a \$50 nonrefundable filing fee when requesting the formal hearing.

Driver's License Reinstatement

Statutory Summary Suspension

Driving privileges may be reinstated at the end of the Statutory Summary Suspension period unless the court instructs the Secretary of State otherwise. Before driving privileges can be reinstated:

- Other suspensions or revocations on the driving record must be cleared.
- A \$250 reinstatement fee must be paid to the Secretary of State, \$30 of which goes to the Department of Human Services, Office of Alcoholism and Substance Abuse, to help defray the cost of professional alcohol and drug evaluations for indigent offenders.
- In the case of repeat offenders, the reinstatement fee is \$500, with \$60 going to the Illinois Road Fund, \$190 going to the Drunk and Drugged Driving Prevention Fund, and \$250 going to the General Revenue Fund.
- The reinstatement of a Statutory Summary Suspension becomes valid when it is entered on the driver's record in the Secretary of State's office provided the provisional termination date has passed.
- Payment for the reinstatement fee may be mailed to: Secretary of State, DUI Section, 2701 S. Dirksen Pkwy., Springfield, IL 62723. If paying by credit card, please call 217-782-3619 (debit cards not accepted).

Revocation

To have driving privileges reinstated, a driver convicted of DUI must:

- Have a clear driving record other than the revocation sanction.
- Undergo an alcohol and drug evaluation. If an alcohol or drug problem is indicated, proof of treatment must be submitted.
- Complete an alcohol and drug remedial education program. Even if the evaluation does not recommend treatment, the driver is still required to complete a remedial education program.
- Appear before a Secretary of State hearing officer. For a first offense, an informal hearing may be conducted by visiting a hearing officer at one of the regional Driver Services facilities. Multiple offenders must request in writing, pay a \$50 non-refundable filing fee and attend a formal hearing in Chicago, Springfield, Mt. Vernon or Joliet.
- Demonstrate during the hearing that public safety will not be endangered if driving privileges are restored. The hearing officer considers the seriousness of the offense, the offender's overall driving record and the driver's remedial efforts.
- File proof of financial responsibility prior to reinstatement, pay a \$500 reinstatement fee, pass the driver's license examination (written, vision and

driving portions) and pay the appropriate application fee.

- Repeat offenders must pay an additional \$500 in reinstatement fees.
- Payment for a revocation may be mailed to: Secretary of State, Traffic Violations Section, 2701 S. Dirksen Pkwy., Springfield, IL 62723. If paying by credit card, please call 217-785-8619 (debit cards not accepted).
- An individual requesting a formal hearing for reinstatement of his/her driving privileges must pay a \$50 non-refundable filing fee when requesting the formal hearing.

A reinstatement becomes valid when it is entered on the driver's record in the Secretary of State's office.

For more information on a hearing for driver's license reinstatements and driving permits, contact:

**Secretary of State
Administrative Hearings Dept.
291 Howlett Bldg.
Springfield, IL 62756
217-782-7065**

or

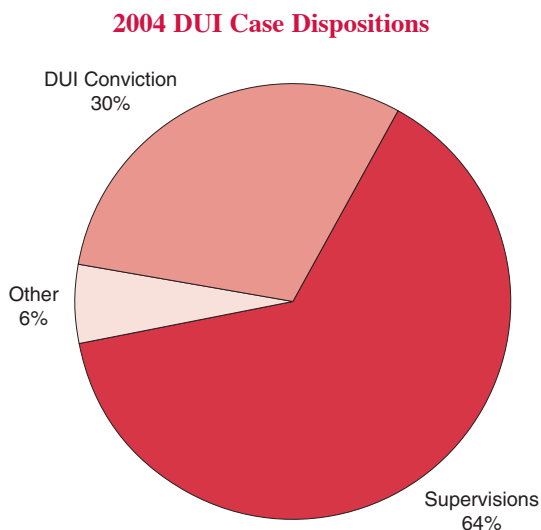
**17 N. State St., #1200
Chicago, IL 60602
312-793-3862**

Case Dispositions

Since implementation of the Statutory Summary Suspension law in 1986, the Secretary of State's office has been able to track DUI cases from arrest to case disposition. All courts have been required to report all DUI case dispositions to the Secretary of State since 1984. Prior to 1984, the Secretary of State's office received reports only of DUI convictions and court supervisions that included referrals to an alcohol/drug remedial education program.

If a judge grants a driver court supervision for an offense, the driver is not subject to the mandatory penalties of the conviction; the judge determines the penalties. Judges are prohibited from granting court supervision to a driver more than once in a lifetime for a DUI offense, and then only if there was no previous conviction. Because the Secretary of State's office records all court supervisions, repeat offenders are more easily identified, enabling judges to impose appropriate penalties.

During 2004, 50,147 summary suspensions were recorded by the Secretary of State's office. As of Dec. 31, 2004, court dispositions were reported for 41 percent (20,631) of these cases. Of those dispositions, 30 percent (6,196) resulted in convictions and 64 percent (13,246) received court supervision. In 6 percent (1,189) of the cases, other dispositions, such as convictions for reckless driving, were received. Of the dispositions received, 22 percent of the first offenders received a DUI conviction, and 81 percent of the multiple offenders were convicted.



Average Cost of a DUI Conviction in Illinois

Item	Costs	Final Cost
Insurance	High-risk insurance — <i>an additional \$1,500</i> a year. Required for 3 years.	\$4,500
Legal Fees	Uncontested plea and hardship driving permit.	\$2,000
Court Costs	Fine of up to \$2,500. Court costs — \$500. Reimbursements to law enforcement, towing and storage fees — \$250. Trauma center fund — \$100.	\$3,350
Income Loss	Loss of 4 weeks income due to jail or community service, evaluations and remedial education classes. (Loss based on average yearly income of \$40,000.)	\$4,000
Rehabilitation	Remedial substance abuse class at \$50 and counseling fees of \$200.	\$250
Driver's License Reinstatement	\$500 plus \$10 for a new license; \$500 for multiple DUI offenders; \$50 formal hearing fee.	\$560
	TOTAL AVERAGE COST =	\$14,660

ADDITIONAL COSTS ASSOCIATED WITH A DUI CRASH

Medical treatment for a crash involving injuries or fatalities	\$100,000 +
Compensatory damages awarded to crash survivors	\$10,000 +
In-patient substance abuse programs	\$3,500 +
Legal fees for jury trials and civil proceedings	\$5,000 +

“Use It & Lose It” and Underage DUI

Automobile crashes continue to be a leading cause of death among young people. Secretary of State Jesse White has addressed this serious problem through special programs and laws such as the “Use It & Lose It” zero tolerance law. “Use It & Lose It” penalties apply to drivers under age 21 who have any trace of alcohol in their systems or who refuse to submit to chemical testing.

- **First offense:** 3-month driver's license suspension for a BAC greater than .00; 6-month suspension for refusal to submit to or failure to complete testing.
- **Second offense:** 1-year driver's license suspension for a BAC greater than .00; 2-year suspension for refusal to submit to or failure to complete testing.
- If a commercial driver's license (CDL) holder receives a zero tolerance suspension, his/her CDL privileges will be disqualified for 12 months if a first offender and lifetime disqualification for a second offender.

During 2004, 2,694 drivers under age 21 were suspended for driving with BACs of more than .00 percent or for refusing to submit to chemical testing. Additionally, 4,621 underage drivers were arrested for DUI and received suspensions.

Under the “Use It & Use It” law, a police officer may initiate a DUI arrest based on field sobriety tests or additional evidence. The DUI arrest incident may be changed to a zero tolerance offense if warranted by evidence.

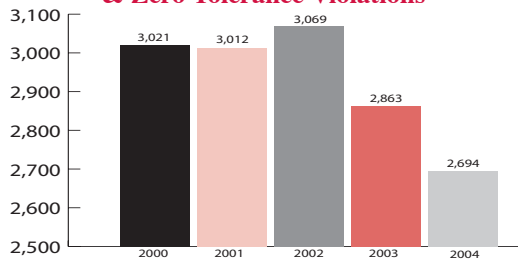
From 1986 to 2004, DUI arrests decreased 11 percent

for drivers under age 21. This decline can be attributed to many factors, including tougher laws for DUI and fraudulent IDs, youth DUI prevention programs, color-coded driver's licenses and state ID cards and training programs like Operation Straight ID.

- A first DUI conviction results in a minimum 2-year revocation of driving privileges, as opposed to 1 year for a person of legal drinking age.
- First-time DUI offenders are not eligible to apply for a Restricted Driving Permit until the second year of revocation.
- Remedial education and/or retesting may be required prior to reinstatement of driving privileges for those under age 18.

A person under age 21 found guilty of DUI may be ordered by a judge, as a condition of probation or discharge, to participate in the Youthful Intoxicated Driver's Visitation Program. The offender will undergo a comprehensive counseling ses-

**Under 21 DUI Arrests
& Zero Tolerance Violations**



Offenses Related to Underage Drinking

sion prior to visitation to determine if the program is appropriate. If approved, the offender may be sent on a supervised visit to a location where the results of alcoholism or DUI crashes can be viewed.

Purchase or Attempted Purchase of Alcohol by a Minor

- Any person under age 21 convicted of violating the Liquor Control Act of 1934 for the illegal purchase, attempting to purchase, accepting, possession or consumption of alcohol will have his/her driving privileges suspended or revoked for 1 year.

Providing Alcohol to a Person Under 21

- Class A misdemeanor with possible 0-12 months imprisonment; fines of \$500-\$2,500.

Parental Responsibility

Applies to parents or guardians knowingly allowing underage consumption of alcoholic beverages at gatherings at a residence.

- Class A misdemeanor with possible 0-12 months imprisonment; fines of \$500-\$2,500.

Illegal Transportation

- Offenders may have their driving privileges suspended for 1 year for a first offense and revoked for a subsequent offense.

Hotel/Motel Responsibility

Applies to any hotel/motel employee who rents a room to a person under age 21 knowing that alcoholic beverages will be consumed there; or any person age 21 or older paying for a hotel room or facility knowing alcoholic beverages will be consumed there by individuals under age 21.

- Class A misdemeanor with 0-12 months imprisonment; fines of up to \$2,500.
- Persons over age 21 paying for the hotel/motel room are held liable for any injuries or damage to persons or property caused by the underage drinker(s).

Accidents Causing Injury or Death

- Any person under age 18 who has been charged with an offense as a result of an accident in which a passenger was seriously injured or killed may be denied a driver's license or license renewal by the Secretary of State's office.

“Use It & Lose It”/Zero Tolerance Violations

COUNTY	2003	2004	COUNTY	2003	2004
Adams	21	21	Jefferson	13	14
Alexander	2	4	Jersey	10	8
Bond	2	6	JoDaviess	24	13
Boone	7	12	Johnson	2	10
Brown	1	0	Kane	83	98
Bureau	14	8	Kankakee	42	30
Calhoun	0	0	Kendall	22	21
Carroll	1	5	Knox	8	15
Cass	9	8	Lake	212	176
Champaign	32	34	LaSalle	40	38
Christian	14	23	Lawrence	1	6
Clark	6	7	Lee	14	13
Clay	8	6	Livingston	24	22
Clinton	14	33	Logan	17	8
Coles	27	16	McDonough	37	29
Cook			McHenry	87	59
—Dist 1	18	25	McLean	59	61
—Dist 2	93	66	Macon	39	27
—Dist 3	116	116	Macoupin	36	48
—Dist 4	45	61	Madison	78	55
—Dist 5	128	135	Marion	11	10
—Dist 6	125	103	Marshall	4	8
Crawford	13	17	Mason	5	13
Cumberland	14	13	Massac	17	8
DeKalb	84	62	Menard	9	12
DeWitt	8	9	Mercer	13	14
Douglas	15	6	Monroe	9	10
DuPage	204	194	Montgomery	21	14
Edgar	0	1	Morgan	24	9
Edwards	1	0	Moultrie	8	6
Effingham	33	47	Ogle	25	31
Fayette	9	7	Peoria	24	19
Ford	8	5	Perry	11	10
Franklin	24	20	Piatt	3	3
Fulton	10	15	Pike	13	11
Gallatin	6	0	Pope	0	0
Greene	10	15	Pulaski	3	0
Grundy	31	23	Putnam	0	2
Hamilton	3	2	Randolph	13	16
Hancock	4	7	Richland	6	2
Hardin	1	0	Rock Island	41	53
Henderson	2	10	St. Clair	80	87
Henry	26	18	Saline	12	9
Iroquois	18	21	Sangamon	89	57
Jackson	31	19	Schuyler	3	9
Jasper	7	3	Scott	3	3

COUNTY	2003	2004	COUNTY	2003	2004
Shelby	12	14	Washington	7	4
Stark	0	0	Wayne	2	3
Stephenson	8	17	White	11	4
Tazewell	33	31	Whiteside	24	22
Union	4	6	Will	93	111
Vermilion	19	10	Williamson	32	27
Wabash	2	4	Winnebago	50	47
Warren	13	16	Woodford	13	8
			Cook	525	506
			Downstate	2,338	2,188
			Statewide	2,863	2,694

Secretary of State Programs

For information on the following programs, please contact: Secretary of State, Driver Services Department, ATTN: Speakers Bureau, 2701 S. Dirksen Pkwy., Springfield, IL 62723, or call the toll-free Traffic Safety Hotline at 1-866-247-0213.

- **Faces of DUI Video** — A 20-minute video for adults and teens includes interviews with DUI victims and victim families, DUI offenders, law enforcement, and members of the legal and medical communities on the untold costs of driving under the influence of alcohol or drugs.
- **DUI Public Service Announcements**
 - **“The Grave Spot”** is a sobering anti-DUI message from the perspective of someone whose life was taken due to drinking and driving.
 - **“The Bottle”** focuses on how the small opening of a bottle of beer causes so much damage when mixed with driving.
 - **“Dionne”** is the story of a young woman who was struck by a drunk driver coming home from a high school volleyball game and now is disabled for life.
 - **“The Pact”** features young adults in a variety of settings making a deal with one another to ensure that friends don't let each other drink and drive.
- **Get The Point!** — A DUI awareness program offering posters, payroll inserts, presentations (speakers and displays) and other items geared toward educating people on the limits and laws on drinking and driving in Illinois.
- **DUI Victim Wall** — A display for use at colleges, universities and high schools as well as at malls, fairs and other high-traffic areas throughout the state. The display consists of pictures and testimonials from victims and their families on the deadly effects of drinking and driving.
- **Adult Traffic Safety Presentation** — This program explains Illinois traffic safety laws, DUI and impaired driving, how moving violations affect your driving record, parental responsibility, mandatory insurance, organ donation and other topics. A Fatal Vision goggles demonstration may be used, and an arrest procedure and field sobriety tests may be covered.
- **Youth Drinking & Driving Prevention Presentations** — Presentations include a discussion of “Use It & Lose It” DUI laws and a Fatal Vision goggles demonstration, which simulates what it is like to be impaired by alcohol or other drugs. This program is designed for large school assemblies.
- **“Graduate to Safety”/Illinois' Graduated Driver Licensing System** — “Graduate to Safety” laws — the three-tiered Illinois driver licensing system — is discussed as well as “Use It & Lose It” and DUI laws.
- **Operation Straight ID** — This training program educates law enforcement and the owners and employees of liquor stores and bars on how to identify fraudulent, fictitious and unlawfully altered driver's licenses and state ID cards. For more information, call 1-800-596-2522.

Victims' Rights

Illinois recognizes DUI as a violent crime; therefore, victims of DUI are recognized as victims of violent crimes. Victims' rights are protected by statute and guaranteed by the Illinois Crime Victims' Rights Constitutional Amendment.

Victims of DUI have the right to:

- Be treated with fairness and respected for their dignity and privacy throughout the criminal justice process.
- Be notified of court proceedings.
- Communicate with the prosecution.
- Make a statement to the court at sentencing.
- Information about the conviction, sentencing, imprisonment and release of the accused.
- Timely disposition of the case following the arrest of the accused.
- Protection from the accused through the criminal justice process.
- Be present at the trial and all the court proceedings on the same basis as the accused, unless the victim is to testify and the court determines that the victim's testimony would be materially affected if the victim hears other testimony at the trial.
- Have present at all court proceedings, subject to the rules of evidence, an advocate or other support person of the victim's choice.
- Restitution.

Secretary of State Jesse White emphasizes that DUI-related crash victims and families will be notified of the offender's driver's license hearings if they request this information by sending a letter to: Secretary of State, Director of Administrative Hearings, 291 Howlett Building, Springfield, IL 62756.

This request is separate from any court notification or victim impact statement.

Emergency Room Reporting of Injured Impaired Drivers

Hospital emergency rooms have unintentionally become safe havens for injured alcohol- and/or drug-impaired drivers. Studies show that only a small percentage of impaired drivers who receive emergency medical treatment as a result of a motor vehicle crash are ever charged with, much less convicted of DUI.

To help address this issue, the law now requires emergency medical personnel to report to law enforcement agencies, if requested, the results of blood or urine tests performed to determine the content of alcohol and/or drugs of an individual receiving emergency medical treatment as the result of a motor vehicle crash. The law has already proven to be an important tool in the fight against drunk driving.

Emergency room physicians and nurses are in a unique position to identify injured impaired drivers because of their access to hospital test results. By bringing the injured impaired driver to the attention of law enforcement, these medical professionals increase the likelihood that the driver will receive alcohol and/or drug evaluations and treatment because of legal or administrative requirements.

Under the law, the reporting of test result information does not violate physician-patient confidentiality. In addition, no one will be held liable for civil damages or receive professional discipline for making a report.

History of DUI Laws in Illinois

Effective Jan. 1, 1958

- Established a .15 percent BAC limit at which a driver is presumed to be under the influence of alcohol.

Effective Jan. 1, 1967

- Lowered the illegal BAC limit from .15 to .10 percent.

Effective Jan. 1, 1980

- Established 21 as the minimum drinking age.

Effective Jan. 1, 1984

- Established mandatory 48-hour imprisonment or 10 days of community service for a second or subsequent DUI conviction.
- Added victims of DUI to the Crime Victims Compensation Act.
- Required the courts to notify the Secretary of State of case dispositions or court supervisions for DUI and other serious offenses for entry on the central driver database.

Effective Jan. 1, 1986

- Established the driver's license Statutory Summary Suspension program to allow the automatic suspension of driving privileges for refusal to submit to or failure of chemical testing following arrest for DUI.
- Included DUI victims in the "Bill of Rights for Crime Victims;" mandated pre-sentence professional alcohol/drug evaluation for DUI offenders, and provided for driver's license suspension for refusal of chemical testing in another state.

Effective Sept. 12, 1986

- Provided that any person under age 21 who is convicted of a second DUI offense shall have all driving privileges revoked by the Secretary of State until the licensee attains the age of 21 or for one additional year, whichever is longer.

Effective Jan. 1, 1988

- Established minimum lengths of time prior to a multiple offender being allowed to apply for a driver's license after revocation for DUI: minimum 3 years for second offense and minimum 6 years for third or subsequent offense.

Effective Sept. 21, 1989

- Provided for a 24-month driver's license suspension with a minimum 6 months of "hard" suspension (no permits) for refusing to submit to chemical testing for second and subsequent offenses.

Effective Jan. 1, 1991

- Provided for suspension of driving privileges for a driver involved in a serious personal injury or fatal motor vehicle crash who was at fault and who refused to submit to or failed chemical testing (.10 percent BAC or greater).

Effective July 1, 1991

- Provided for the cancellation of a driver's license for a driver convicted of violating the Cannabis Control Act or the Illinois Controlled Substances Act while operating a motor vehicle.

Effective Nov. 3, 1992

- Crime Victims' Rights Constitutional Amendment guarantees and protects the rights of crime victims, including those victimized by DUI.

Effective Jan. 1, 1993

- Drivers convicted of DUI within the last 10 years, rather than five years, shall not be eligible for court supervision.
- Child Endangerment Law — Drivers convicted of DUI while transporting a person age 16 or younger are subject to a minimum fine and mandatory community service in a program benefiting children.

Effective Jan. 1, 1994

- Drivers under age 21 at the time of offense face a 1-year driver's license suspension for illegal transportation of alcohol. Driving privileges are revoked on the second or subsequent offense.

Effective Jan. 1, 1995

- “Use It & Lose It” Law — Drivers under age 21 caught with even a trace of alcohol in their systems will lose their driving privileges.

Effective July 21, 1995

- Multiple offenders suspended for refusal to submit to chemical testing are ineligible for a Restricted Driving Permit.

Effective Jan. 1, 1997

- Court supervision for a DUI offense is limited to once in a lifetime.
- Results of blood or urine tests performed for the purpose of determining the content of alcohol, other drugs or both, in an individual's blood or urine conducted during medical treatment in a hospital emergency room for injuries resulting from a motor vehicle crash may be reported to the Illinois State Police or local law enforcement agencies.

Effective July 2, 1997

- Lowered the BAC limit at which a driver is considered to be under the influence of alcohol from .10 to **.08**.

Effective Dec. 1, 1997

- Increased the revocation period to 5 years for a second DUI conviction and to 10 years for a third or subsequent conviction within 20 years.
- Increased the revocation period for the conviction of reckless homicide (DUI) to 2 years.

Effective Jan. 1, 1998

- School bus drivers caught driving a school bus with any trace of alcohol in their systems will lose their school bus driver permits.
- Maximum fines increased for criminal penalties: petty offenses up to \$1,000; misdemeanors up to \$2,500; felonies up to \$25,000.

Effective Jan. 1, 1999

- Prohibited a person convicted of a fourth DUI violation from applying for a license.
- Increased penalties for a person convicted of DUI charges while the license is suspended or revoked, and allowed for seizure of the vehicle.
- Increased the summary suspension from 2 years to 3 years for a repeat or subsequent DUI offender who refuses or fails to complete a DUI test.
- Imposed a summary suspension and revocation fee of \$250 for a driver charged with second or subsequent DUI violations.
- Increased the impoundment period for the vehicle of a DUI suspect on a graduated basis depending on the number of DUI arrests.
- If charged with driving while suspended or revoked, and the revocation or suspension is for a DUI, the person is not eligible for supervision if, in the last 10 years, the person has been convicted of or received supervision for driving while suspended or revoked.
- Included the phrase “intoxicating compounds,” such as sniffing paint and glue, under the DUI law.
- Required hospital emergency rooms to report chemical test results of individuals treated in motor vehicle crashes to Illinois State Police or law enforcement officials upon request.

Effective Jan. 1, 2000

- Made permanent the Breath Alcohol Ignition Interlock Device (BAIID) Program, which uses an electronic breath-alcohol monitoring device to help prevent repeat drunk drivers from driving under the influence.
- Prohibited court supervision for individuals with previous out-of-state DUI or reckless driving convictions.

Effective Oct. 1, 2000

- Required all court supervisions for traffic violations to be reported to the Secretary of State.

Effective July 27, 2001

- Prohibited a person who commits DUI for the fourth or subsequent time during the time his/her license is suspended or revoked for a prior DUI conviction or a conviction for an accident involving death or personal injury from receiving probation at the time of sentencing.

Effective Aug. 3, 2001

- Prohibited the Secretary of State from issuing a Restricted Driving Permit for a period of 1 year after a second or subsequent revocation of driving privileges for DUI.
- Increased minimum imprisonment and community service terms for a second DUI violation committed within five years of a previous violation from 48 consecutive hours of imprisonment to 5 days and from 100 hours of community service to 30 days.

Effective Aug. 10, 2001

- Set mandatory minimum jail sentencing and community service for individuals who drive with a suspended or revoked driver's license as a result of DUI, reckless homicide, leaving the scene of an accident or Statutory Summary Suspension. Upon a fourth conviction, judicial authorities have the discretion of seizing or immobilizing an offender's vehicle.

Effective Aug. 17, 2001

- Extended prison sentences for felony DUI convictions.
- Created a new category of DUI for those driving with a BAC of .16 or greater. Provided enhanced penalties with mandatory minimum sentencing requirements. (For specific information, see page 10.)
- Enhanced penalties, including mandatory minimum prison and community service sentences, for individuals who commit DUI with a child under age 16 in the vehicle. (For specific information, see pages 10-11.)
- Required the installation of a Breath Alcohol Ignition Interlock Device (BAIID) in the vehicle of any individual with two or more DUI incidents. Provided that a monthly fee be charged for the maintenance of the BAIID device and money generated from this fee be deposited into the Secretary of State's DUI Administration Fund.
- Set a \$50 fee for any individual requesting a formal hearing with the Office of the Secretary of State for the purposes of asking for restricted driving relief or reinstatement of driving privileges.

Effective Jan. 1, 2002

- Provided for an additional \$100 fine for any person convicted of DUI. This money is deposited into the Trauma Center Fund for distribution to Illinois hospitals and trauma centers.
- Provided that a person sentenced to reckless homicide shall not be permitted to drive until 24 months after the date of his/her release from prison.

This 24-month period does not commence until the expiration of any period of mandatory supervised release or parole.

Effective July 16, 2002

- Provided for the seizure and forfeiture of a person's vehicle who is convicted of driving on a revoked or suspended driver's license, if the suspension or revocation was the result of a conviction for DUI; leaving the scene of a personal injury accident; reckless homicide; or for a Statutory Summary Suspension related to the use of alcohol, drugs or intoxicating compounds.

Effective Jan. 1, 2003

- Required local liquor commissioners to report to the Secretary of State any conviction of a person under age 21 that purchases, accepts, possesses or consumes alcoholic liquor. A violation results in a 1-year suspension or revocation of driving privileges.
- Established mandatory minimum fines of \$500 for a first offense and \$2,000 for a second offense for persons providing alcohol to minors. If the provision of alcohol results in a death, it is a Class 4 felony carrying 1-3 years possible imprisonment and fines of up to \$25,000.

Effective July 18, 2003

- Established the offense of Aggravated DUI involving a death. The offense is a Class 2 felony carrying a possible 3-13 years imprisonment if the violation resulted in the death of one person, or 6-21 years imprisonment if the violation resulted in the deaths of two or more persons (only if the defendant is sentenced to a term of imprisonment).

Effective Jan. 1, 2004

- Provided that operating a watercraft or snowmobile under the influence of intoxicating compounds is prohibited.
- Provided that any person convicted of or pleading guilty to DUI, including any person receiving a disposition of court supervision for the offense, may be required by the court to attend a victim impact panel presented by one of several specified organizations.
- Provided that the court may impose as a condition of the bail of a defendant charged with DUI that the defendant refrain from operating a motor vehicle not equipped with a Breath-Alcohol Ignition Interlock Device.

Effective June 1, 2004

- Provided that a person convicted of reckless driving in a construction or maintenance zone resulting in a death is reckless homicide — a Class 2 felony — must serve 3-14 years in prison if sentenced to imprisonment. If the offense involves the death of two or more persons as part of a single course of conduct, the offender must serve 6-28 years in prison if sentenced to imprisonment.

Effective July 6, 2004

- Made leaving the scene of an accident a Class 4 felony with possible imprisonment of 1-3 years in prison. Required a driver who leaves the scene of an accident to report the accident to local law enforcement within 30 minutes of the time of the accident (rather than one hour).

Effective July 12, 2004

- If a person is convicted in another state of an offense similar to the Illinois reckless homicide statute, that person may not be granted full driving privileges for two years from the date on which the person's driving privileges were revoked or suspended, or within 24 months of the person being released from a prison term for commission of the offense.
- A person who commits DUI is guilty of Aggravated DUI if the person previously had been convicted in another state of an offense similar to reckless homicide and the person's intoxication was an element of the offense.

Effective Oct. 1, 2004

- Created the right of action for unlimited civil damages against any person over age 18 who provided or contributed alcohol or illegal drugs to anyone under age 18 and the provision of alcohol results in a death. Allows such suit for damages, injury or death if caused by the impaired minor.

Effective Jan. 1, 2005

- A person convicted in another state of an offense similar to reckless homicide may not be granted driving privileges within two years of the date on which the person's driving privileges were revoked or suspended, or within 24 months of release from a prison term for the offense. A person who is charged with DUI is guilty of Aggravated DUI if the person was previously convicted in another state of an offense similar to reckless homicide.

Effective July 7, 2005

- Allowed the court to impose a more severe sentence on someone convicted of reckless homicide or DUI while operating a motor vehicle in excess of 20 m.p.h. over the posted speed limit.

Effective Sept. 30, 2005

- In accordance with the Federal Motor Carrier Safety Administration, a state must not knowingly issue a commercial driver's license (CDL) or permit allowing a person to drive a commercial motor vehicle during the period in which a person is disqualified from operating a commercial motor vehicle.

Effective Jan. 1, 2006

- A person seeking a Judicial Driving Permit (JDP) who is charged with driving on a suspended license or with another DUI before the JDP has been issued, may not be issued the JDP. If a person who has been issued a JDP is charged with another DUI, the JDP will be cancelled if already issued.

- Increases penalties for DUI while transporting a child under age 16 (see pages 10-11 for penalties).
- Municipal attorneys may not prosecute and state's attorneys may not allow a municipal attorney to prosecute felony DUIs.
- Increases penalties for a fifth or subsequent conviction of driving on a suspended or revoked driver's license (see pages 10-11 for penalties).
- Increases penalties for a conviction of Aggravated DUI causing the death of one or more persons.
- A sixth or subsequent DUI conviction is classified as a Class X felony.
- A person arrested for leaving the scene of an accident involving death or personal injury is subject to chemical testing and is subject to Statutory Summary Suspension if he/she fails or refuses to undergo the testing. A person is subject to testing within 12 hours of the time of the accident.
- A person charged with DUI who had no valid driver's license or was not covered by liability insurance is subject to Aggravated DUI penalties and his/her vehicle is subject to seizure and forfeiture.
- A driver involved in a fatal accident or an accident involving severe injuries that required the injured party to be carried from the scene (rather than any person arrested after being involved as a driver in a fatal accident or an accident involving personal injury) is required to undergo chemical testing.
- Increases penalties for third, fourth and fifth convictions of DUI (see pages 11-12 for penalties).
- Creates penalties for a person over age 21 charged with DUI while transporting a child under age 16 that results in an accident and harm to the child (see pages 10-11 for penalties).
- A person convicted of Aggravated DUI because his/her DUI violation was the cause of the death of one or more persons will be sentenced to imprisonment, unless the court determines that extraordinary circumstances exist and require probation.

Drivers Arrested for DUI

COUNTY	2002	2003	2004
Adams	336	244	284
Alexander	41	43	70
Bond	26	26	40
Boone	227	309	278
Brown	19	26	19
Bureau	185	181	165
Calhoun	23	13	13
Carroll	56	58	58
Cass	96	81	79
Champaign	681	721	671
Christian	121	100	80
Clark	92	96	65
Clay	35	27	47
Clinton	63	97	113
Coles	283	308	234
Cook			
—Dist 1	5,954	5,764	6,109
—Dist 2	1,672	1,788	1,560
—Dist 3	3,386	3,257	3,254
—Dist 4	1,024	944	1,015
—Dist 5	1,965	1,787	2,081
—Dist 6	1,414	1,216	1,200
Crawford	121	100	114
Cumberland	77	62	70
DeKalb	619	671	688
DeWitt	111	75	83
Douglas	67	88	83
DuPage	5,323	5,400	5,254
Edgar	44	42	39
Edwards	9	19	39
Effingham	233	208	192
Fayette	93	81	82
Ford	73	77	74
Franklin	160	150	157
Fulton	170	172	172
Gallatin	48	54	51
Greene	64	94	63
Grundy	256	185	122
Hamilton	31	20	24
Hancock	100	103	91
Hardin	11	13	22
Henderson	78	47	109
Henry	231	198	200
Iroquois	141	124	180
Jackson	661	673	495
Jasper	27	30	43

Drivers Arrested for DUI

COUNTY	2002	2003	2004
Jefferson	195	195	153
Jersey	247	200	172
JoDaviess	129	161	136
Johnson	65	47	194
Kane	1,506	1,388	1,240
Kankakee	470	393	483
Kendall	239	186	203
Knox	274	218	567
Lake	4,950	4,884	4,248
LaSalle	665	645	601
Lawrence	75	75	83
Lee	149	114	127
Livingston	158	206	229
Logan	120	93	97
McDonough	288	267	413
McHenry	1,337	1,349	1,294
McLean	785	741	829
Macon	304	281	258
Macoupin	237	228	275
Madison	1,218	1,000	895
Marion	201	194	144
Marshall	46	36	50
Mason	39	44	47
Massac	114	110	98
Menard	46	30	49
Mercer	87	75	93
Monroe	199	197	202
Montgomery	185	189	141
Morgan	148	160	89
Moultrie	52	52	59
Ogle	211	200	233
Peoria	771	653	708
Perry	107	68	53
Piatt	66	74	76
Pike	60	76	66
Pope	12	19	21
Pulaski	59	67	37
Putnam	27	16	33
Randolph	147	131	105
Richland	68	53	134
Rock Island	1,220	1,119	1,069
St. Clair	1,220	1,291	1,466
Saline	163	125	281
Sangamon	990	1,319	1,223
Schuyler	28	22	30
Scott	7	10	14

Drivers Arrested for DUI

COUNTY	2002	2003	2004
Shelby	113	97	137
Stark	9	7	68
Stephenson	221	166	210
Tazewell	752	651	681
Union	79	62	105
Vermilion	304	312	243
Wabash	94	66	58
Warren	77	108	68
Washington	63	69	53
Wayne	30	44	47
White	93	99	198
Whiteside	295	265	259
Will	1,598	1,126	1,427
Williamson	315	253	298
Winnebago	1,362	1,348	1,280
Woodford	113	123	115
Cook	15,415	14,756	15,219
Downstate	36,234	34,813	34,928
Statewide	51,649	49,569	50,147

2006 ILLINOIS DUI FACT BOOK

In an effort to curb underage drinking and make driver's licenses for those under age 21 more recognizable, an Under 21 Driver's License went into effect in January 2005. The new license features a vertical design and a distinctive color pattern across the front, making it more difficult to duplicate or alter.

