

2008
Illinois
DUI

fact book

JESSE WHITE • SECRETARY OF STATE



facts penalties programs statistics
costs facts penalties programs
statistics costs facts penalties
programs statistics costs facts



A MESSAGE FROM
SECRETARY OF STATE JESSE WHITE

2008 DUI
fact book

I am pleased to provide you this 2008 *Illinois DUI Fact Book*, which contains information on Illinois' continued efforts to combat drunk driving. In 2006, more than 17,000 people nationwide lost their lives in drunk driving crashes — the equivalent of one fatality every 31 minutes.

My office continues to work with law enforcement, the legislature and the judiciary to keep drunk drivers off the road. I am pleased to have sponsored legislation that requires any first-time DUI offender to have a Breath Alcohol Ignition Interlock Device installed on his or her vehicle. The law takes effect Jan. 1, 2009, and will serve as a strong deterrent for anyone thinking about getting behind the wheel after drinking.

My office offers free copies of our award-winning DUI videos and public service announcements, as well as traffic safety speakers and publications to educate the public about the dangers and consequences of drinking and driving. To request a video, a speaker for your school or civic organization, or publications, please call the Traffic Safety Hotline at 866-247-2013.

I look forward to continuing my work in making Illinois roadways safe from drunk drivers.

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.

WWW.CYBERDRIVEILLINOIS.COM



Printed on recycled paper.

Printed by authority of the State of Illinois. May 2008 — 15M — DSD A 118.11

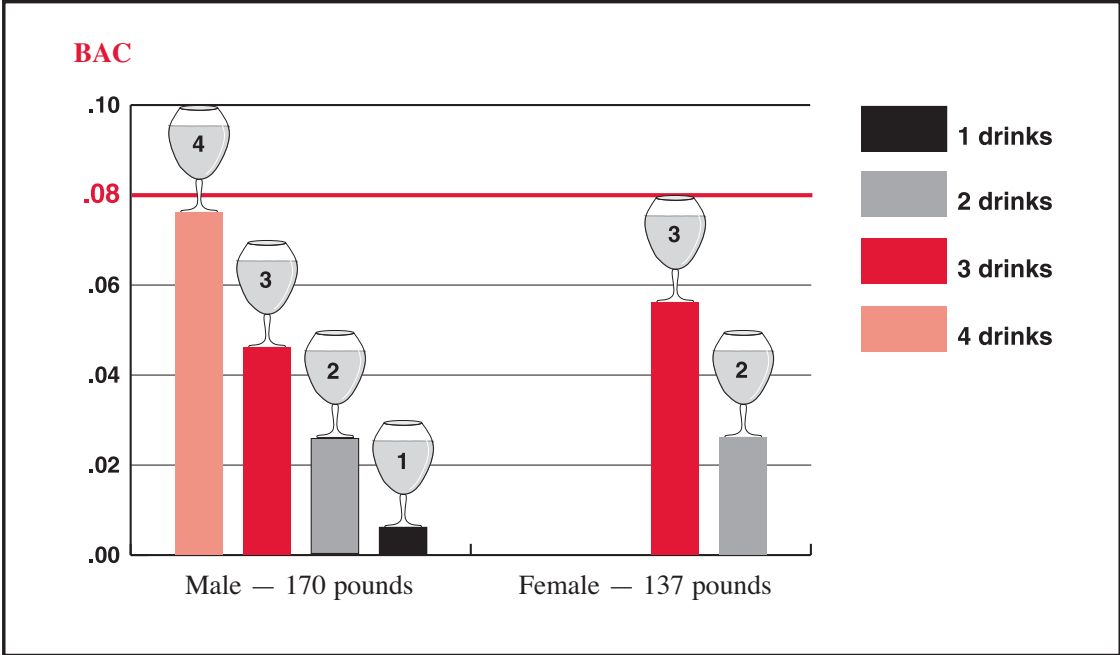
Table of Contents

Illegal Blood-Alcohol Concentration (BAC) Limits in Illinois	2
Driving Under the Influence (DUI)	3
Statutory Summary Suspension	7
Penalties for a DUI Conviction	8
Penalties for Other DUI-Related Offenses	13
Administrative Driver’s License Revocation	15
Judicial Hearings	16
Driving Permits	16
Driver’s License Reinstatement	18
Case Dispositions	20
Average Cost of a DUI Conviction in Illinois	21
Additional Costs Associated with a DUI, 2005-2006	21
Penalties of Underage Drinking	22
“Use It & Lost It”/Zero Tolerance Violations	25
Secretary of State DUI Programs	27
Victims’ Rights	28
Reporting of Injured Impaired Drivers	29
History of Illinois DUI Laws	30
Drivers Arrested for DUI, 2004-2006	38

Illegal BAC Limits in Illinois

Drivers under age 2100
School bus drivers00
Commercial driver's license holders04
Drivers age 21 and over08

Number of drinks and 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 (DUI)

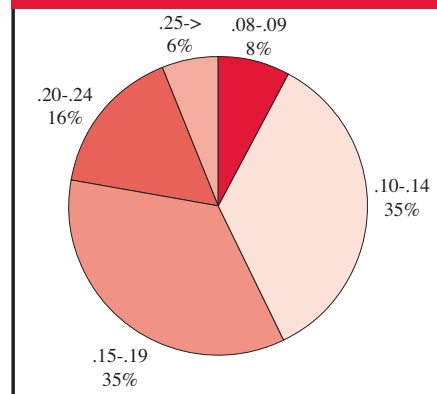
“Driving Under the Influence” is defined as operating a motor vehicle while impaired by alcohol, other drugs or intoxicating compounds. In Illinois, a driver is legally considered to be under the influence if he/she has a blood-alcohol concentration (BAC) of .08 or more, has used any illegal substance, or is impaired by medication. A driver’s BAC is based on the ratio of alcohol to blood or breath. However, an individual with a BAC between .05 and .08 may be convicted of DUI if additional evidence determines that the driver was impaired. In 1997, the Illinois General Assembly passed legislation to lower the illegal BAC limit from .10 to .08. Illinois was 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, a person’s reaction time slows. The risk of being in a crash begins to increase with a BAC between .04 and .05 and increases rapidly thereafter. By the time a driver reaches a BAC of .06, 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, 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 become sober. 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-ounce mug of beer, one 5-ounce glass of wine or one 1.5-ounce 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.)

2006 BAC Levels of Drivers Who Failed a Chemical Test



The average DUI offender is:

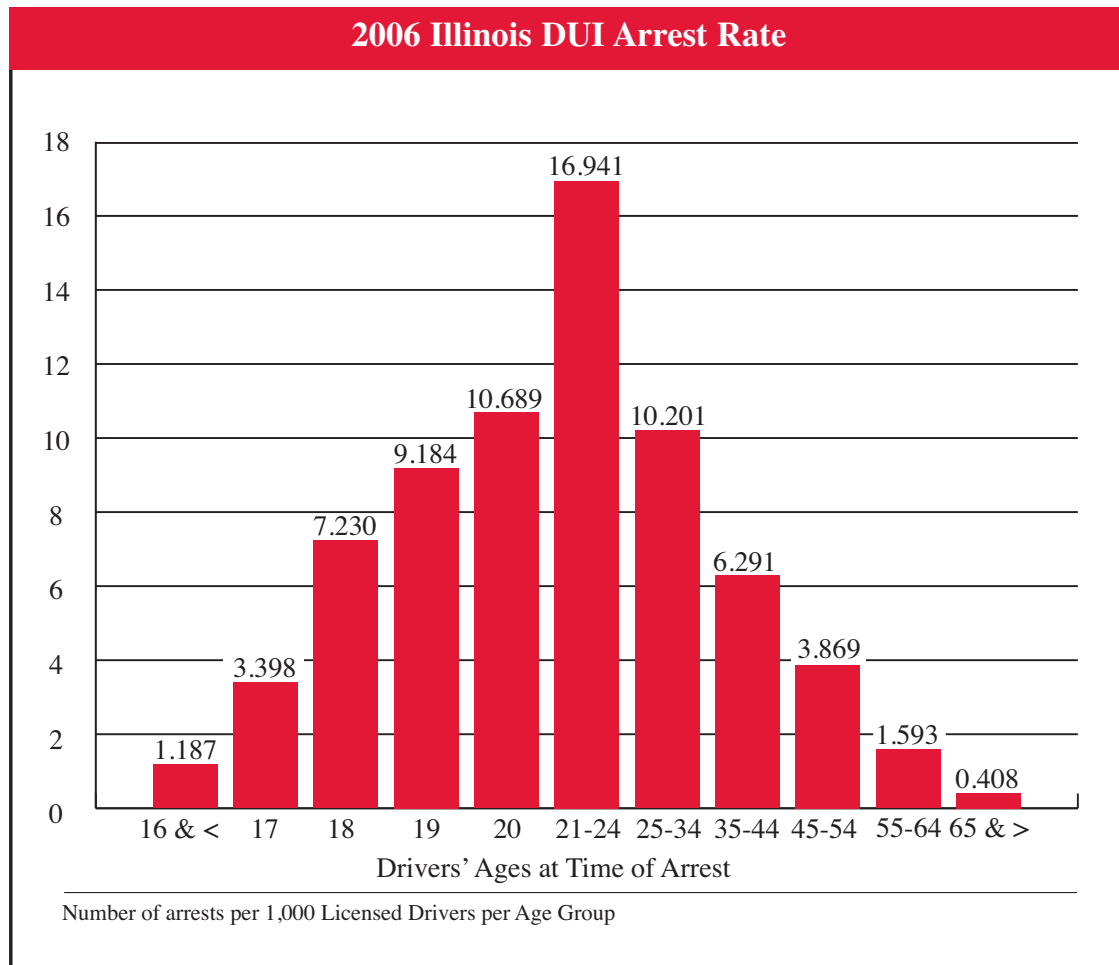
- male (80 percent arrested are men);
- age 34 (61 percent are under age 35);
- arrested between 11 p.m. and 4 a.m. on a weekend; and
- caught driving with a BAC of .16 — twice the illegal limit.

— Illinois Secretary of State

FACT

2006 Illinois DUI Facts

- 594 people were killed in alcohol-related crashes, which was 47 percent of the 1,254 total crash fatalities.
- More than 50,100 DUI arrests were recorded by the Secretary of State's office.
- 91 percent of all drivers arrested for DUI, who were eligible, lost their driving privileges.
- 2,663 drivers under age 21 lost their driving privileges due to "Use It & Lose It" law violations.
- 19 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 27 per 1,000 licensed drivers). This rate was four times greater than that of all other drivers arrested for DUI (6 per 1,000 licensed drivers).
- 83 percent of all drivers arrested for DUI are first offenders.



2006 National DUI Facts

- Alcohol-related crash fatalities in 2006 totaled 17,602 — the equivalent of three passenger cruise ships filled to capacity.
- Drivers with a BAC of more 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 illegal 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 .08, 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-pound male would have to consume **four** or more drinks in one hour on an empty stomach. A 137-pound female would have to consume **three** drinks in one hour to reach .08. A drink is considered a 12-ounce beer, a 5-ounce 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.
- About 80 percent of alcohol-related crash fatalities are caused by drivers with no arrests for drunk driving during the previous three years.

In 2006, the average American was
51 percent less likely to die in an
alcohol-related crash than in 1982.

— National Highway Traffic
Safety Administration (NHTSA)

FACT

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 asked 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 asked 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 and no drugs are found in the system, no Statutory Summary Suspension (see page 7) will apply; however, the associated DUI charge will remain until appropriate action is taken by the court.
- If the driver refuses to submit to or fails to complete testing, the Statutory Summary Suspension will apply. A repeat offender who refuses to submit to testing will not be eligible for a Restricted Driving Permit (RDP) during the 3-year suspension. A repeat offender who takes the test and fails is not eligible for an RDP during the 1-year suspension.
- If the driver's test results show a BAC of .08 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.
- If the driver's license is valid, a receipt is issued allowing 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.

The rate of alcohol impairment among drivers involved in fatal crashes is four times higher at night than during the day.

— NHTSA

FACT

Statutory Summary Suspension

A Statutory Summary Suspension provides for the automatic suspension of driving privileges of a driver arrested for DUI who fails, refuses to submit to, or fails to complete chemical testing. Failure of chemical testing means a person's BAC was .08 or more or the test showed a trace of other drugs. Statutory Summary Suspensions are automatic, effective on the 46th day from the date of the suspension notice. This suspension does not replace criminal penalties for a DUI conviction. An offender may request a judicial hearing to challenge the arrest; however, the request does not stop the suspension from taking effect. If an Illinois driver refuses to submit to chemical testing in another state, his/her driving privileges will be suspended. A Statutory Summary Suspension does not apply to a person with a BAC of less than .08. If a person has a BAC of more 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. If a commercial driver's license holder receives a Statutory Summary Suspension, his/her CDL privileges will be suspended for one year for a first offense; a lifetime suspension applies for a second offense.

Failing Chemical Testing

- **First offense** — Suspension of driving privileges for 3 months (eligible for JDP on 31st day of suspension).*
- **Second or subsequent offense within 5 years** — Suspension of driving privileges for 1 year (not eligible for driving relief).

Refusing to Submit to Chemical Testing

- **First offense** — Suspension of driving privileges for 6 months (eligible for JDP on 31st day of suspension).*
- **Second or subsequent offense** — Suspension of driving privileges for 3 years (not eligible for driving relief).

* *Effective Jan. 1, 2009, a Monitoring Device Driving Permit will replace the Judicial Driving Permit. Also, the suspension period for a first offense for failing chemical testing will increase to 6 months; the suspension period for a first offense for refusing to submit to chemical testing will increase to 12 months. A first-time DUI offender who wishes to obtain and is eligible for driving relief during the suspension period must have a Breath Alcohol Ignition Interlock Device (BAIID) installed on his/her vehicle.*

In 2006, 91 percent of drivers arrested for DUI who refused to submit to or failed chemical testing lost their driving privileges; 83 percent of those were first offenders.

— Illinois Secretary of State

FACT

Penalties for a DUI Conviction

Driving Under the Influence (DUI)

Penalties for DUI in Illinois vary depending on the circumstances of the arrest and conviction. These circumstances may include the driver's age, the driver's BAC level, whether the driver was transporting a child under age 16, and whether the driver has previous DUI convictions. Effective June 1, 2008, any DUI offense resulting in felony charges is classified as Aggravated DUI.

First Conviction

Class A misdemeanor (possible imprisonment of up to 1 year; fines of up to \$2,500); minimum revocation of driving privileges for 1 year (2 years if driver is under age 21); revocation of vehicle registration.

- If committed with a BAC of .16 or more — In addition to any penalties or fines, mandatory minimum fine of \$500 and mandatory minimum 100 hours of community service.
- If committed while transporting a child under age 16 — In addition to any penalties or fines, possible imprisonment of up to 6 months, mandatory minimum fine of \$1,000 and 25 days of community service in a program benefiting children.
- If committed while transporting a child under age 16 and involved in a crash that resulted in bodily harm to the child (Aggravated DUI); Class 4 felony (possible imprisonment of 1-3 years, fines of up to \$25,000) — In addition to any other criminal or administrative sanctions, mandatory fine of \$2,500 and 25 days of community service in a program benefiting children.

Second Conviction

Class A misdemeanor (possible imprisonment of up to 1 year; fines of up to \$2,500); mandatory minimum imprisonment of 5 days or 240 hours of community service; revocation of driving privileges for a minimum of 5 years for a second conviction within 20 years; revocation of vehicle registration.

- If committed with a BAC of .16 or more — In addition to any penalties or fines, mandatory imprisonment of 2 days and mandatory minimum fine of \$1,250.
- If committed while transporting a child under age 16 (Aggravated DUI); Class 4 felony (possible imprisonment of 1-3 years, fines of up to \$25,000).
- If committed while transporting a child under age 16 and involved in a crash that resulted in bodily harm to the child (Aggravated DUI); Class 2 felony (possible imprisonment of 3-7 years, fines of up to \$25,000) — In addition to any other criminal or administrative sanctions, mandatory fine of \$5,000 and 25 days of community service in a program benefiting children.

Third Conviction (Aggravated DUI)

Class 2 felony (possible imprisonment of 3-7 years, fines of up to \$25,000); revocation of driving privileges for a minimum of 10 years; revocation of vehicle registration.

- If committed with BAC of .16 or more — In addition to any other criminal or administrative sanctions, mandatory imprisonment of 90 days and mandatory minimum fine of \$2,500.
- If committed while transporting a child under age 16 — In addition to any other criminal or administrative sanctions, mandatory fine of \$25,000 and 25 days of community service in a program benefiting children.

Fourth Conviction (Aggravated DUI)

Class 2 felony (possible imprisonment of 3-7 years, fines of up to \$25,000); revocation of driving privileges for life with no relief available; revocation of vehicle registration.

- If committed with a BAC of .16 or more — In addition to any other criminal or administrative sanctions, mandatory minimum fine of \$5,000.
- If committed while transporting a child under age 16 — In addition to any other criminal or administrative sanctions, mandatory fine of \$25,000 and 25 days of community service in a program benefiting children.

Fifth Conviction (Aggravated DUI)

Class 1 felony (possible imprisonment of 4-15 years, fines of up to \$25,000); revocation of driving privileges for life with no relief available; revocation of vehicle registration.

- If committed with a BAC of .16 or more — In addition to any other criminal or administrative sanctions, mandatory minimum fine of \$5,000.
- If committed while transporting a child under age 16 — In addition to any other criminal or administrative sanctions, mandatory fine of \$25,000 and 25 days of community service in a program benefiting children.

Sixth or Subsequent Conviction (Aggravated DUI)

Class X felony (possible imprisonment of 6-30 years, fines of up to \$25,000); revocation of driving privileges for life with no relief available; revocation of vehicle registration.

- If committed with a BAC of .16 or more — In addition to any other criminal or administrative sanctions, mandatory minimum fine of \$5,000.
- If committed while transporting a child under age 16 — In addition to any other criminal or administrative sanctions, mandatory fine of \$25,000 and 25 days of community service in a program benefiting children.

Aggravated DUI

Effective June 1, 2008, any DUI offense resulting in felony charges is classified as Aggravated DUI. Any mandatory term of imprisonment or community service is not subject to suspension or reduction. Any person sentenced to probation or conditional discharge also must serve a minimum 480 hours of community service or 10 days imprisonment.

Aggravated DUI includes the following offenses:

- Third or subsequent DUI (Class 4-X felony; penalties vary according to offense — see pages 8-9).
- DUI committed while driving a school bus carrying persons age 18 or younger (Class 4 felony, imprisonment of 1-3 years, fines of up to \$25,000).
- DUI resulting in great bodily harm, permanent disability or disfigurement (Class 4 felony, imprisonment of 1-12 years, fines of up to \$25,000). Revocation of driving privileges for a minimum of 2 years.
- Second or subsequent DUI committed while transporting a child under age 16 (Class 4-X felony; penalties vary according to offense).
- DUI committed while transporting a child under age 16 and involved in a crash that resulted in bodily harm to the child (Class 4-X felony; penalties vary according to offense).
- DUI committed without a valid driver's license or permit (Class 4 felony, imprisonment of 1-3 years, fines of up to \$25,000).
- DUI committed without vehicle liability insurance (Class 4 felony, imprisonment of 1-3 years, fines of up to \$25,000).
- Second DUI committed after a previous conviction for reckless homicide while DUI or Aggravated DUI involving a death (Class 4 felony, 1-3 years of imprisonment, fines of up to \$25,000).
- DUI committed in a school zone while the restricted speed limit is in effect and involved in a crash that resulted in bodily harm (Class 4 felony, imprisonment of 1-3 years, fines of up to \$25,000).
- DUI committed while revoked or suspended for DUI, reckless homicide or leaving the scene of a personal injury or death (Class 4 felony, imprisonment of 1-3 years, fines of up to \$25,000). Any penalty imposed is in addition to the penalty for any subsequent DUI violation. Revocation period determined by offense.
- DUI resulting in death (Class 2 felony, imprisonment of 3-14 years; 6-28 years if more than one death; fines of up to \$25,000). Revocation of driving privileges for a minimum of 2 years from the effective date of the revocation or from the date of release from incarceration for the offense.

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 is required to complete an alcohol/drug evaluation and an alcohol/drug remedial education course or substance abuse treatment program before driving privileges are reinstated.
- The offender must meet the requirements of the Secretary of State's Department of Administrative Hearings prior to obtaining an RDP (see page 17).
- The offender's vehicle may be impounded or seized.
- A 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 3 years.
- 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 whose driving privileges were suspended because of a Statutory Summary Suspension will have that time credited to the minimum period of revocation of driving privileges.

If a driver is convicted of DUI in another state, the conviction will be added to his/her Illinois driving record and result in revocation of driving privileges.

In 2006, 15 percent of all drivers involved in fatal crashes during the week were alcohol-impaired compared to 31 percent on weekends.

— NHTSA

FACT

Penalties for Other DUI-Related Offenses

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.

- **First conviction** — Suspension of driving privileges for 1 year.
- **Second conviction within 5 years** — Suspension of driving privileges for 5 years.

Knowingly Permitting a Driver Under the Influence to Operate a Vehicle

- Class A misdemeanor; possible imprisonment of up to 1 year; fines of up to \$2,500.

Driving on a Suspended or Revoked License

- **First conviction** — Class A misdemeanor; possible imprisonment of up to 12 months; mandatory imprisonment of 10 days in jail or 30 days of community service; fines of up to \$2,500; suspension of driving privileges for double the original suspension period or additional revocation of 1 year; may result in seizure or forfeiture of vehicle.
- **Second conviction** — Class 4 felony; possible imprisonment of 1-3 years; minimum 30 days in jail or 300 hours of community service; fines of up to \$25,000; suspension of driving privileges for double the original suspension period or additional revocation of 1 year; may result in seizure or forfeiture of vehicle.
- **Third conviction** — Class 4 felony; possible imprisonment of 1-3 years; minimum 30 days in jail or 300 hours of community service; fines of up to \$25,000; suspension of driving privileges for double the original suspension period or additional revocation of 1 year; may result in seizure or forfeiture of vehicle.
- **Fourth through ninth conviction** — Class 4 felony; possible imprisonment of 1-3 years; minimum 180 days in jail; fines of up to \$25,000; suspension of driving privileges for double the original suspension period or additional revocation of 1 year; may result in seizure or forfeiture of vehicle.
- **10th through 14th conviction** — Class 3 felony; possible imprisonment of 2-5 years; not eligible for probation or conditional discharge; fines of up to \$25,000; suspension of driving privileges for double the original suspension period or

Of the driver's license revocations in 2006, 3,471 were for second offenses, 1,023 were for third offenses, and 509 were for fourth or subsequent offenses, which resulted in a lifetime revocation.
— Illinois Secretary of State

FACT

additional revocation of 1 year; may result in seizure or forfeiture of vehicle.

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

Dram Shop

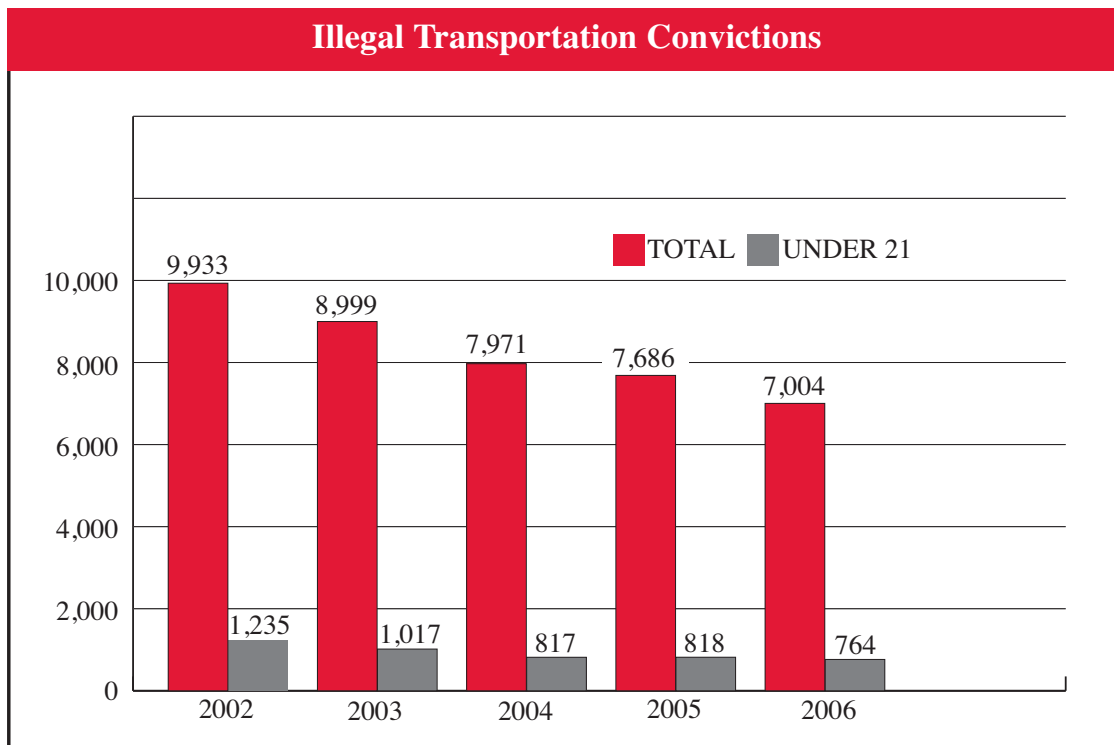
An employee or owner of an establishment may be held liable for a crash resulting from the unlawful selling, giving or delivery of alcohol in that establishment to a minor, intoxicated person or person known to be under legal disability or in need of mental treatment.

- 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

It is illegal to transport, carry, possess or have any alcoholic beverages in the passenger compartment of a motor vehicle, except in the original container with the seal unbroken. Limousines, motor homes, mini motor homes and chartered buses not hired for school purposes are exceptions to the law.

- Maximum fine of \$1,000 and points-assigned violation on driver's record.
- Suspension of driving privileges for 1 year or revocation for a second conviction within 1 year.
- If the offender is under age 21 — Mandatory suspension of driving privileges for 1 year for first offense; mandatory revocation of driving privileges 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 fraudulent state ID card or driver's license. The Secretary of State has the authority to suspend or revoke driving privileges for up to one year without 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 fraudulent driver's license or permit (first offense).
- Allowing another person to use your driver's license or permit.
- Displaying or representing as one's own any driver's license or permit issued to someone else.
- Allowing any unlawful use of one's driver'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 driver's license or permit (second or subsequent offense).
- Issuing or assisting in the issuance of a fraudulent driver's license.
- Manufacturing, possessing or providing any document for the purpose of obtaining a fraudulent driver's license.
- Possessing a driver's license-making or permit-making implement.

Administrative Driver's License Revocation

An administrative driver's license revocation, administered by the Secretary of State's office in cooperation with county state's attorneys, allows for the quick revocation of driving privileges of a person who has been involved in a serious injury or fatal crash. A driver charged with DUI or another serious offense may have his/her 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.

In 2006, safety belts were used by only 26 percent of all fatally injured drivers who were alcohol-impaired.

— NHTSA

FACT

Judicial Hearings

A driver may request a judicial hearing to challenge a Statutory 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 suspension, the driver submitted to chemical testing that showed a BAC of .08 or more or any trace of cannabis, controlled substance and/or intoxicating compounds.

The 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 50,109
Statutory Summary Suspensions
processed in 2006 were rescinded, com-
pared to 15 percent in 2005.
— Illinois Secretary of State

FACT

Driving Permits

A driver who has had his/her driver's license suspended or revoked may be granted limited driving privileges. Temporary driving permits are issued only for employment, education and/or medical purposes when no other form of transportation is available. An offender may be required to have a Breath Alcohol Ignition Interlock Device (BAIID) installed on his/her vehicle as a condition of driving relief.

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 Statutory 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 5 years.)

- Before the court can approve a JDP, the offender must prove a hardship exists and provide proof of a current professional alcohol/drug evaluation.
- The JDP does not become effective until the 31st day of the suspension.
- A commercial driver's license holder is not eligible 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.

Effective Jan. 1, 2009, a Monitoring Device Driving Permit will replace the Judicial Driving Permit. A first-time DUI offender who wishes to obtain and is eligible for driving relief during the suspension period must have a BAIID installed on his/her vehicle.

Of the 41,705 suspended first offenders in 2006, 20 percent (8,447) were issued JDPs.

— Illinois Secretary of State

FACT

Restricted Driving Permit (RDP)

- If eligible, a person convicted of DUI may apply to the Secretary of State's office for an RDP.
- A multiple offender whose BAC test results are .08 or more or whose chemical test indicates any amount of a controlled substance, is not eligible for an RDP during the Statutory 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 suspension period.
- A driver under age 16 whose driving privileges are revoked is not eligible for an RDP.
- To obtain an RDP, the offender must prove a hardship exists, provide a current professional alcohol/drug 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 offender with two or more alcohol-related driving incidents on his/her driving record within 10 years is required to have a BAIID installed on his/her vehicle for the duration of the RDP. As required by statute, the offender is responsible for the fee required for the BAIID during this period.
- An offender requesting a formal hearing for an RDP or reinstatement of his/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's office 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/drug evaluations for indigent offenders.
- If a repeat offender, a \$500 reinstatement fee must be paid to the Secretary of State's office, \$60 of which goes to the Illinois Road Fund, \$190 to the Drunk and Drugged Driving Prevention Fund, and \$250 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 must 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/drug evaluation. If an alcohol/drug problem is indicated, proof of treatment must be submitted.
- Complete an alcohol/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 nonrefundable 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 exam (written, vision and driving) and pay the appropriate application fee.

- Payment for a revocation must 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 offender requesting a formal hearing for reinstatement of his/her driving privileges must pay a \$50 nonrefundable 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
driver's license reinstatement and driving permits:**

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

or

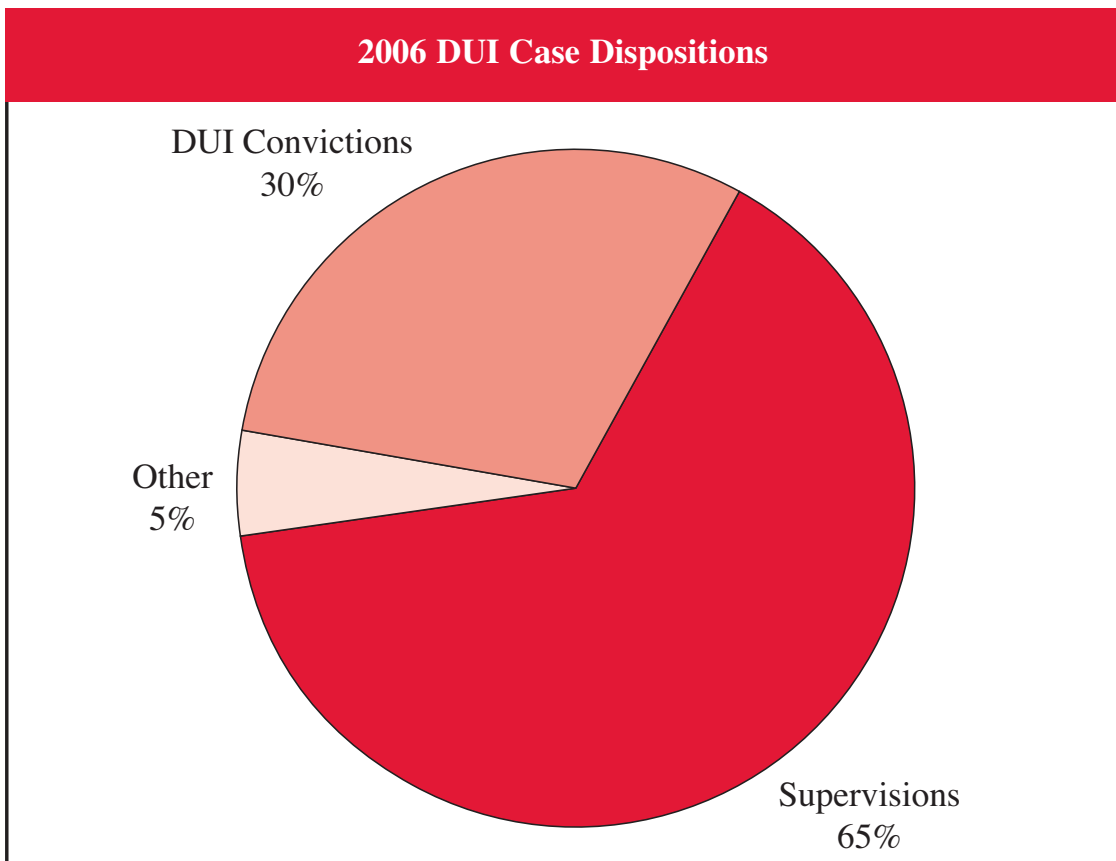
**17 N. State St., #1200
Chicago, IL 60602
312-793-3862**

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.

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 2006, 50,109 Statutory Summary Suspensions were recorded by the Secretary of State's office. As of Dec. 31, 2006, court dispositions were reported for 40 percent (20,264) of these cases. Of those dispositions, 30 percent (6,008) resulted in convictions and 65 percent (13,731) received court supervision. In 5 percent (1,061) of the cases, other dispositions such as convictions for reckless driving were received. Of the dispositions received, 21 percent of first offenders received a DUI conviction, and 76 percent of multiple offenders were convicted.



Average Cost of a DUI Conviction in Illinois

Item	Costs	Final Cost
Insurance	High-risk insurance — an additional \$1,500 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 — \$50. Counseling fees — \$200.	\$250
		+
Driver's License Reinstatement	\$500 plus \$10 for a new license; \$500 — multiple DUI offenders; \$50 — formal hearing fee.	\$560
		+
	Total Average Cost	= \$14,660

Additional Costs Associated with a DUI

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 +

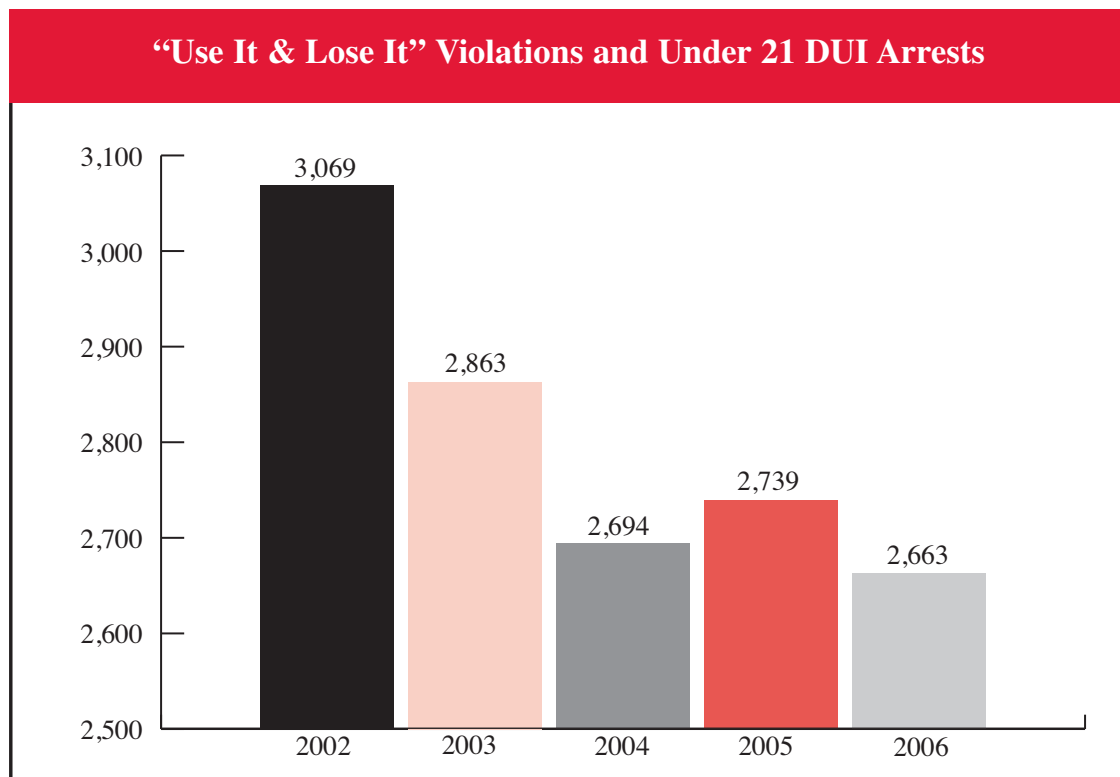
Penalties of Underage Drinking

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 any driver under age 21 who has any trace of alcohol in his/her system or who refuses to submit to chemical testing.

“Use It and Lose It” — Zero Tolerance

- **First offense** — Suspension of driving privileges for 3 months for a BAC of more than .00; suspension of driving privileges for 6 months for refusal to submit to or failure to complete testing.
- **Second offense** — Suspension of driving privileges for 1 year for a BAC of more than .00; suspension of driving privileges for 2 years for refusal to submit to or failure to complete testing.
- **First offense (commercial driver’s license holder)**— Suspension of CDL privileges for 1 year.
- **Second offense (commercial driver’s license holder)** — Lifetime disqualification of CDL privileges.

During 2006, 2,663 drivers under age 21 were suspended for driving with BACs of more than .00 or for refusing to submit to chemical testing. Additionally, 4,796 underage drivers were arrested for DUI and received suspensions.



Under the “Use It & Use It” law, a police officer also may initiate a DUI arrest based on field sobriety tests or additional evidence.

From 1986 to 2006, DUI arrests decreased 8 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, visually distinctive driver’s licenses and state ID cards, and training programs like Operation Straight ID.

Under 21 DUI

- A first DUI conviction results in revocation of driving privileges for a minimum of 2 years.
- First-time DUI offenders are not eligible for an RDP 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 session 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 may be viewed.

Purchase, Possession, Receipt or Consumption of Alcohol by a Minor

- Any person under age 21 convicted of violating the Liquor Control Act of 1934 for the illegal purchase, possession, receipt or consumption of alcohol will have his/her driving privileges suspended for 6 months for a first conviction, 12 months for a second conviction and revocation of driving privileges for a subsequent conviction.
- Any person under age 21 who receives court supervision for violating the Liquor Control Act of 1934 for the purchase, possession, receipt or consumption of alcohol will have his/her driving privileges suspended for 3 months.

Providing Alcohol to a Person Under Age 21

- Class A misdemeanor; possible imprisonment of up to 1 year; fines of \$500-\$2,500.

Parental Responsibility

- A parent/legal guardian who knowingly allows persons under age 21 to consume alcoholic beverages at a private residence is guilty of a Class A misdemeanor, with possible imprisonment of 12 months and fines of \$500-\$2,500.
- A parent/legal guardian who knowingly allows persons under age 21 to consume alcoholic beverages by failing to control access to either the private res-

idence or to alcoholic beverages in the residence, and bodily harm results to any person as a result of this access, is guilty of a Class 4 felony.

- It is unlawful for any parent/legal guardian to knowingly allow his/her property to be used for the illegal consumption of alcoholic beverages. If the violation results in great bodily harm or death to any person, the parent/guardian is guilty of a Class 4 felony, with possible imprisonment of 1-3 years and fines of up to \$25,000.

Illegal Transportation

- **First offense** — Suspension of driving privileges for 1 year.
- **Subsequent offense** — Revocation of driving privileges for 1 year.

Hotel/Motel Responsibility

This 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; possible imprisonment of up to 1 year; 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 driver's license renewal by the Secretary of State's office.

“Use It & Lose It”/Zero Tolerance Violations

County	2005	2006	County	2005	2006
Adams	26	49	Jefferson	30	11
Alexander	2	1	Jersey	6	9
Bond	5	4	JoDaviess	14	8
Boone	17	18	Johnson	3	4
Brown	2	1	Kane	95	128
Bureau	7	5	Kankakee	37	26
Calhoun	0	0	Kendall	33	35
Carroll	4	3	Knox	18	11
Cass	7	4	Lake	154	152
Champaign	23	43	LaSalle	42	34
Christian	34	23	Lawrence	5	4
Clark	0	3	Lee	11	23
Clay	4	6	Livingston	25	13
Clinton	21	14	Logan	19	11
Coles	16	15	McDonough	30	20
Cook			McHenry	68	76
—Dist 1	40	58	McLean	58	71
—Dist 2	89	77	Macon	16	20
—Dist 3	135	119	Macoupin	25	23
—Dist 4	52	58	Madison	51	62
—Dist 5	156	133	Marion	7	16
—Dist 6	87	68	Marshall	4	1
Crawford	8	12	Mason	11	12
Cumberland	5	7	Massac	6	0
DeKalb	55	74	Menard	12	10
DeWitt	9	14	Mercer	6	6
Douglas	14	9	Monroe	8	6
DuPage	219	254	Montgomery	21	19
Edgar	5	10	Morgan	10	6
Edwards	2	1	Moultrie	6	5
Effingham	30	36	Ogle	26	22
Fayette	7	5	Peoria	17	20
Ford	8	3	Perry	3	7
Franklin	21	17	Piatt	4	5
Fulton	10	10	Pike	11	11
Gallatin	3	2	Pope	0	0
Greene	5	7	Pulaski	2	1
Grundy	33	23	Putnam	2	5
Hamilton	5	3	Randolph	12	6
Hancock	3	11	Richland	6	11
Hardin	5	4	Rock Island	26	42
Henderson	3	4	St. Clair	103	72
Henry	26	22	Saline	11	11
Iroquois	23	9	Sangamon	60	43
Jackson	30	34	Schuyler	11	6
Jasper	5	9	Scott	2	5

County	2005	2006	County	2005	2006
Shelby	12	7	Washington	5	7
Stark	1	1	Wayne	2	1
Stephenson	11	4	White	10	6
Tazewell	17	25	Whiteside	31	29
Union	4	6	Will	132	109
Vermilion	11	5	Williamson	46	29
Wabash	5	6	Winnebago	44	42
Warren	8	5	Woodford	12	10
			Cook	559	513
			Downstate	2,180	2150
			Statewide	2,739	2663

Secretary of State DUI Programs

- **Faces of DUI Video** — A 20-minute video of interviews with DUI victims and victim families, DUI offenders, law enforcement, and members of the legal and medical communities (available in closed caption).
- **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.
 - **“The Pact”** features young adults 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 and presentations to educate people on the limits and laws on drinking and driving.
- **DUI Victim Wall** — A display of pictures and testimonials from victims and their families on the deadly effects of drinking and driving.
- **Adult Traffic Safety Presentation** — A program that explains Illinois traffic safety laws, DUI and impaired driving, moving violations, parental responsibility, mandatory insurance, organ/tissue donation and other topics. A Fatal Vision goggles demonstration, an arrest procedure and field sobriety tests may be covered.
- **Youth Drinking and Driving Prevention Presentation** — A presentation designed for large school assemblies that discusses “Use It & Lose It” and DUI laws. During the Fatal Vision goggles demonstration, participants simulate what it is like to be impaired by alcohol or other drugs.
- **“Graduate to Safety”/Illinois Graduated Driver Licensing Program** — A program that discusses the three-tiered Illinois driver licensing program, “Use It & Lose It” and DUI laws.
- **Operation Straight ID** — A program that trains law enforcement and the owners and employees of liquor stores and bars on identifying fraudulent and fictitious driver’s licenses and ID cards. For more information, call 800-596-2522.

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

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.**

Reporting of Injured Impaired Drivers

Until recently, hospital emergency rooms had unintentionally become safe havens for injured alcohol- and/or drug-impaired drivers. Studies showed that only a small percentage of impaired drivers who received emergency medical treatment as a result of a motor vehicle crash were 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 Illinois DUI Laws

Effective Jan. 1, 1958

- Established .15 as the illegal BAC limit.

Effective Jan. 1, 1967

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

Effective Jan. 1, 1980

- Established 21 as the minimum drinking age.

Effective Jan. 1, 1984

- Established mandatory imprisonment of 48 hours or 10 days of community service for a second or subsequent DUI conviction.
- Expanded the Crime Victims Compensation Act to include DUI victims.
- Required courts to notify the Secretary of State's office of DUI case dispositions, court supervisions and other serious offenses.

Effective Jan. 1, 1986

- Established the Statutory Summary Suspension Program to allow for the automatic suspension of a person's driving privileges for refusing to submit to or failing chemical testing following a DUI arrest.
- Expanded the Crime Victims Bill of Rights to include DUI victims.
- Provided that any person who refuses to submit to chemical testing while operating a vehicle in another state will have his/her driving privileges suspended.

Effective Sept. 12, 1986

- Provided that any driver under age 21 convicted of a second DUI will have his/her driving privileges revoked until he/she turns 21 or for one additional year, whichever is longer.

Effective Jan. 1, 1988

- Provided that any driver under age 21 convicted of a second DUI will have his/her driving privileges revoked for a minimum of 3 years. If convicted of a third or subsequent DUI, a driver will have his/her driving privileges revoked for a minimum of 6 years.

Effective Sept. 21, 1989

- Provided that any driver who refuses to submit to chemical testing for a second or subsequent time will have his/her driving privileges suspended for a minimum of 2 years. Offenders may not apply for a Restricted Driving Permit for the first six months of the suspension period.

Effective Jan. 1, 1991

- Provided that any driver found at fault in a vehicle crash where serious personal injury or death occurs and who refuses to submit to or fails chemical testing (.10 BAC or more) will have his/her driving privileges suspended.

Effective July 1, 1991

- Provided that any driver who violates the Cannabis Control Act or the Illinois Controlled Substances Act while operating a motor vehicle will have his/her driver's license cancelled.

Effective Nov. 3, 1992

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

Effective Jan. 1, 1993

- Prohibited any driver convicted of DUI within the last 10 years (rather than 5 years) from receiving court supervision.
- Established the Child Endangerment Law, which states that any driver convicted of DUI while transporting a person age 16 or younger is subject to a minimum fine and mandatory community service in a program benefiting children.

Effective Jan. 1, 1994

- Provided that any driver under age 21 convicted of illegal transportation of alcohol will have his/her driving privileges suspended for 1 year. For a second or subsequent conviction, a driver will have his/her driving privileges revoked.

Effective Jan. 1, 1995

- Established the "Use It & Lose It" Law, which states that any driver under age 21 caught with any trace of alcohol in his/her system will lose his/her driving privileges.

Effective July 21, 1995

- Prohibited a driver receiving a Statutory Summary Suspension for a subsequent alcohol offense within five years for refusing to submit to chemical testing from receiving an RDP.

Effective Jan. 1, 1997

- Established a lifetime limit of one court supervision for a DUI offense.
- Provided that results of a driver's blood or urine tests, performed for the purpose of determining the content of alcohol, other drugs or both, conducted during medical treatment in a hospital emergency room, may be reported to the

Illinois State Police or local law enforcement agencies.

Effective July 2, 1997

- Lowered the illegal BAC limit from .10 to .08.

Effective Dec. 1, 1997

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

Effective Jan. 1, 1998

- Established a zero tolerance law for school bus drivers. A school bus driver caught driving a school bus with any trace of alcohol in his/her system will lose his/her school bus driver permit.
- Increased the maximum fines for criminal penalties and the penalty for a petty offense to \$1,000, a misdemeanor up to \$2,500 and a felony up to \$25,000.

Effective Jan. 1, 1999

- Prohibited a driver with a fourth DUI conviction on his/her record from applying for a driver's license.
- Increased criminal penalties for a person driving on a suspended or revoked driver's license and who is convicted of DUI during the suspension or revocation period. The offender's vehicle is subject to seizure by local law enforcement.
- Increased the Statutory Summary Suspension period to 3 years (from 2 years) for a repeat DUI offender who refuses to submit to or fails to complete chemical testing.
- Established a \$250 Statutory Summary Suspension and revocation fee for a driver charged with a second or subsequent DUI offense.
- Increased the period of time in which the vehicle of a suspected DUI offender may be impounded to a graduated scale depending on the number of times the offender has been previously arrested for DUI.
- Prohibited a driver charged with driving on a suspended or revoked driver's license for a previous DUI from receiving court supervision if he/she has been convicted of or received court supervision for driving on a suspended or revoked driver's license within the last 10 years.
- Included the term "intoxicating compounds," such as sniffing paint and glue, in Illinois DUI law.
- Required hospital emergency rooms to report chemical test results of a person treated in a vehicle crash to Illinois State Police or law enforcement officials upon request.

Effective Jan. 1, 2000

- Mandated the Breath Alcohol Ignition Interlock Device (BAIID) for certain drivers convicted of DUI.
- Prohibited a driver with an out-of-state DUI or a reckless driving conviction from receiving court supervision for the same offense in Illinois.

Effective Oct. 1, 2000

- Required all court supervisions, regardless of offense, to be reported to the Secretary of State's office.

Effective July 27, 2001

- Prohibited a sentence of probation for a driver convicted of a fourth or subsequent DUI while his/her driver's license is suspended or revoked for a prior DUI conviction, or for a conviction for a crash involving death or personal injury.

Effective Aug. 3, 2001

- Prohibited the Secretary of State's office from issuing an RDP for 1 year to a driver with a second or subsequent revocation of his/her driving privileges for DUI.
- Increased penalties for a second DUI violation committed within 5 years, including 48 consecutive hours to 5 days imprisonment and 100 hours to 30 days of community service.

Effective Aug. 10, 2001

- Established mandatory minimum jail sentencing and community service terms for any individual convicted of driving with a suspended or revoked driver's license as a result of a conviction for DUI, reckless homicide, leaving the scene of an accident or a Statutory Summary Suspension.
- Authorized judicial authorities to seize or immobilize the vehicle of a driver convicted for a fourth DUI violation.

Effective Aug. 17, 2001

- Extended the prison sentence for a felony DUI conviction.
- Created and defined the category of Driving Under the Extreme Influence as a driver with a BAC of .16 or more. A driver convicted of this offense is subject to enhanced penalties with mandatory minimum sentencing requirements.
- Enhanced penalties for a driver convicted of DUI with a child under age 16 in the vehicle, including mandatory minimum imprisonment and community service.
- Required a driver with two or more alcohol incidents on his/her driving record to have a BAIID installed on his/her vehicle. A monthly fee, paid by the driver, is established for the maintenance of the BAIID.

Effective Jan. 1, 2002

- Required a person convicted of DUI to pay an additional \$100 fine, which is deposited into the Trauma Center Fund for distribution to Illinois hospitals and trauma centers.
- Prohibited a person sentenced to prison due to a conviction of reckless homicide from having his/her driving privileges reinstated until 2 years after the date of his/her release from prison. This period does not commence until the expiration of any period of mandatory supervised release or parole.

Effective July 16, 2002

- Provided for the seizure or forfeiture of the vehicle of a person convicted of driving while his/her driving privileges are suspended or revoked as a result of a 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's office any conviction of a person under age 21 who purchases, accepts, possesses or consumes alcohol. An underage person who violates this provision will receive a 1-year suspension or revocation of his/her driving privileges.
- Established mandatory minimum fines of \$500 for a first offense and \$2,000 for a second offense for a person convicted of providing alcohol to a person under age 21. If the underage person is involved in an incident where a death occurs, the person who provided the alcohol may be convicted of a Class 4 felony, which carries possible imprisonment of 1-3 years and a fine of up to \$25,000.

Effective July 18, 2003

- Established Aggravated DUI involving a death as a Class 2 felony, with possible imprisonment of 3-13 years if the violation results in the death of one person or 6-21 years if the violation involves the deaths of two or more persons.

Effective Jan. 1, 2004

- Prohibited the operation of a watercraft or snowmobile while under the influence of intoxicating compounds.
- Provided that a person convicted of or pleading guilty to DUI, including any person receiving court supervision for the offense, may be required by the court to attend a victim impact panel.
- Authorized the court to order a defendant charged with DUI to refrain from operating a vehicle not equipped with a BAID as a condition of bail.

Effective June 1, 2004

- Changed the Reckless Homicide provision to include any person convicted of reckless driving in a construction or maintenance zone which results in the death of an individual. The offense is a Class 2 felony with possible imprisonment of 3-14 years; possible imprisonment of 6-28 years if a single incident involving the death of two or more persons.

Effective July 6, 2004

- Established Leaving the Scene of a Crash as a Class 4 felony, with possible imprisonment of 1-3 years.
- Decreased the time allowed for leaving the scene of a crash in an effort to report the crash to local law enforcement from one hour to 30 minutes.

Effective July 12, 2004

- Provided that a person convicted in another state of an offense similar to the Illinois reckless homicide statute may not be granted full driving privileges for two years from the date of the person's suspension or revocation, or within two years of the driver being released from a prison term for the offense.
- Established the offense of Aggravated DUI for a person committing DUI who was previously convicted in another state of an offense similar to the Illinois reckless homicide statute and the driver's intoxication was an element of the offense.

Effective Oct. 1, 2004

- Established a legal right of action for unlimited civil damages against any person over age 18 who provides or contributes 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

- Provided that a driver convicted in another state of an offense similar to the Illinois reckless homicide statute may not be granted driving privileges for two years from the date of the person's suspension or revocation, or within two years of the driver being released from a prison term for the offense.
- Established that a person who commits DUI is guilty of Aggravated DUI if he/she has been previously convicted in another state of an offense similar to the Illinois reckless homicide statute.

Effective July 7, 2005

- Authorized Illinois courts to impose more severe jail or prison sentences for a driver convicted of reckless homicide or DUI while operating a vehicle in excess of 20 mph over the posted speed limit.

Effective Jan. 1, 2006

- Provided that a driver seeking a Judicial Driving Permit (JDP), who is subsequently charged with driving on a suspended driver's license or with another DUI before the JDP has been issued, is no longer eligible for a JDP. If a driver has been issued a JDP and is charged with another DUI, the JDP will be cancelled.
- Increased the penalties for DUI while transporting a child under age 16.
- Provided that a person charged with a felony DUI may not be prosecuted by a municipal attorney, and the state's attorney is prohibited from giving a municipal attorney this authority.
- Increased the penalties for a fifth or subsequent conviction of driving on a suspended or revoked driver's license.
- Increased the penalties for a driver convicted of Aggravated DUI causing the death of one or more persons.
- Increased the penalties for a third, fourth or fifth DUI conviction.
- Classified a sixth or subsequent DUI conviction as a Class X felony.
- Required a driver arrested for leaving the scene of an accident involving a death or personal injury to be subject to chemical testing and a Statutory Summary Suspension if he/she refuses to submit to or fails chemical testing. A driver is subject to testing within 12 hours of the accident.
- Provided that a person charged with DUI, who has no valid driver's license or is not covered by liability insurance, may be charged with Aggravated DUI and his/her vehicle is subject to seizure and forfeiture.
- Provided that a driver involved in a fatal crash or a crash resulting in severe injuries that result in the injured party being carried from the scene is required to undergo chemical testing.
- Established tougher penalties for a person over age 21 convicted of DUI while transporting a child under age 16 that results in a crash and bodily harm to the child.
- Provided that a driver convicted of Aggravated DUI because the DUI violation is the cause of death of one or more persons will be sentenced to imprisonment, unless the court determines that extraordinary circumstances exist and require probation.

Effective May 8, 2006

- Authorized municipalities to charge a DUI offender with a municipal misdemeanor offense for any conduct that constitutes felony DUI if the state's attorney rejects or denies felony charges for that conduct.

Effective June 28, 2006

- Authorized the circuit court to collect additional fines from drivers convicted of DUI to be used for DUI enforcement and prevention.

Effective Aug. 31, 2007

- Prohibited a parent/legal guardian from knowingly authorizing or permitting any person under age 21 to consume alcohol in his/her home by failing to control access to the alcohol in the residence.
- Prohibited a parent/legal guardian from knowingly allowing access to alcohol in his/her residence to persons under age 21, and from knowingly allowing persons under age 21 to consume alcohol in his/her residence.

Effective Jan. 1, 2008

- Required local liquor commissioners to report to the Secretary of State's office court supervisions for violations relating to the transfer, possession and consumption of alcohol for persons under age 21.
- Increased penalties for driving with a revoked driver's license, permit or privilege to operate a motor vehicle if the revocation was the result of a reckless homicide offense.

Effective June 1, 2008

- Required that a petition to contest the suspension of a person's driving privileges be filed within 90 days of the effective date of the suspension if the suspension was the result of refusal to undergo alcohol/drug testing, or because drugs, intoxicating compounds or alcohol were found in the driver's system. Eligibility for driving relief is dependent upon whether the denial of all driving privileges may cause undue hardship.
- Prohibited a driver convicted of four or more DUI offenses, leaving the scene of an accident involving death or personal injury, and/or reckless homicide from receiving an RDP.
- Authorized the Secretary of State's office to revoke the driving privileges of any person under age 21 convicted in another state of an offense similar to the Illinois DUI statute.
- Established the offense of Reckless Homicide for a driver who kills a person in a posted school, construction or maintenance zone while driving in excess of 10 mph over the posted speed limit or under the influence of alcohol or other drugs.

Effective Jan. 1, 2009

- Requires a first-time DUI offender to have a BAIID installed on his/her vehicle as a condition of driving relief. The driver must drive only a vehicle equipped with a BAIID or use an alternative alcohol monitoring device 24 hours a day.
- Replaced the Judicial Driving Permit with the Monitoring Device Driving Permit for first-time DUI offenders.
- Increased the suspension period for a first offense for failing chemical testing to 6 months; the suspension period for a first offense for refusing to submit to chemical testing to 12 months.

Drivers Arrested for DUI

COUNTY	2004	2005	2006
Adams	284	382	421
Alexander	70	58	71
Bond	40	46	32
Boone	278	203	320
Brown	19	21	25
Bureau	165	214	147
Calhoun	13	11	20
Carroll	58	41	36
Cass	79	64	94
Champaign	671	748	744
Christian	80	120	108
Clark	65	74	81
Clay	47	58	69
Clinton	113	98	100
Coles	234	226	217
Cook			
—Dist 1	6,109	6,537	5,160
—Dist 2	1,560	1,632	1,691
—Dist 3	3,254	3,254	3,302
—Dist 4	1,015	864	1,239
—Dist 5	2,081	1,876	1,744
—Dist 6	1,200	1,095	1,008
Crawford	114	160	156
Cumberland	70	78	66
DeKalb	688	695	816
DeWitt	83	89	72
Douglas	83	94	101
DuPage	5,254	5,166	5,286
Edgar	39	71	93
Edwards	39	22	32
Effingham	192	239	236
Fayette	82	156	126
Ford	74	93	82
Franklin	157	136	162
Fulton	172	170	158
Gallatin	51	57	46
Greene	63	44	64
Grundy	122	142	178
Hamilton	24	21	14
Hancock	91	76	77
Hardin	22	23	25
Henderson	109	66	63
Henry	200	190	270
Iroquois	180	129	133
Jackson	495	470	430
Jasper	43	28	30

COUNTY	2004	2005	2006
Jefferson	153	187	182
Jersey	172	149	194
JoDaviess	136	193	168
Johnson	194	66	73
Kane	1,240	1,497	1,702
Kankakee	483	459	419
Kendall	203	233	311
Knox	567	221	157
Lake	4,248	4,145	4,016
LaSalle	601	665	669
Lawrence	83	91	88
Lee	127	140	124
Livingston	229	184	248
Logan	97	171	151
McDonough	413	272	281
McHenry	1,294	1,375	1,372
McLean	829	802	806
Macon	258	311	317
Macoupin	275	206	169
Madison	895	1,215	1,324
Marion	144	204	244
Marshall	50	33	30
Mason	47	32	40
Massac	98	103	102
Menard	49	35	52
Mercer	93	89	64
Monroe	202	183	142
Montgomery	141	161	177
Morgan	89	90	94
Moultrie	59	49	48
Ogle	233	190	182
Peoria	708	861	784
Perry	53	67	86
Piatt	76	68	67
Pike	66	58	99
Pope	21	19	18
Pulaski	37	47	55
Putnam	33	19	20
Randolph	105	149	121
Richland	134	82	98
Rock Island	1,069	714	888
St. Clair	1,466	1,506	1,396
Saline	281	171	124
Sangamon	1,223	1,143	1,001
Schuyler	30	36	44
Scott	14	11	9

COUNTY	2004	2005	2006
Shelby	137	97	79
Stark	68	11	19
Stephenson	210	164	184
Tazewell	681	611	684
Union	105	92	78
Vermilion	243	236	239
Wabash	58	70	96
Warren	68	81	84
Washington	53	45	66
Wayne	47	39	75
White	198	82	120
Whiteside	259	290	284
Will	1,427	1,679	1,915
Williamson	298	386	572
Winnebago	1,280	1,419	1,376
Woodford	115	151	137
Cook	15,219	15,258	14,144
Downstate	34,928	34,934	35,965
Statewide	50,147	50,192	50,109

2008 DUI *fact book*

Illinois Graduated Driver Licensing Program

Traffic crashes are the leading cause of death among teenagers. In Illinois in 2005, 260 people were killed in crashes that involved young drivers between the ages of 15 and 20.

Secretary of State Jesse White created the Teen Driver Safety Task Force in 2006 to address the very serious problem of automobile crashes and fatalities involving teen drivers. The Task Force, comprised of national and state traffic safety experts, legislators, law enforcement officials, educators, judges and victim advocates, made the following recommendations for the Illinois Graduated Driver Licensing Program, which became effective Jan. 1, 2008.

- Triples the length of time a teen must hold a learner's permit to nine months.
- Doubles the length of time of the passenger restriction for new drivers to 12 months.
- Requires student drivers to complete a minimum six hours of actual on-the-street driving with a certified driver education instructor.
- Requires teen drivers to remain conviction free for a specified length of time before advancing to the next phase of the driver licensing process.
- Moves the nighttime driving restriction up one hour to 10 p.m. on weekdays and 11 p.m. on weekends.
- Created a voluntary Parent/Teen Driving Contract to establish guidelines between teen drivers and their parents or guardians.

Teen Driver Safety Task Force recommendations have received national recognition from such groups as the National Safety Council and the Insurance Institute for Highway Safety. For more information on Illinois' Graduated Driver Licensing Program, please visit www.cyberdriveillinois.com.