

DUI|2005|FACT BOOK

JESSE WHITE • ILLINOIS SECRETARY OF STATE

Facts



Penalties



Programs



Statistics



Costs





A MESSAGE FROM

JESSE WHITE
SECRETARY OF STATE

I am pleased to present the 2005 *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 has decreased in Illinois and across the nation; 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 of combating this serious crime, which continues to take innocent lives. In an effort to prevent underage drinking and fraud, my office has designed a new driver's license for people under age 21. Effective Jan. 1, 2005, these licenses feature a distinctive vertical design with a color pattern across the front of the card, making them more easily identifiable by retailers and more difficult to alter by underage drivers. Thirty-one percent of drivers ages 15 to 20 killed in vehicle crashes had been drinking. It is my hope that these new licenses will prevent underage drivers from fraudulently altering their licenses in an effort to purchase alcohol.

Other initiatives include a DUI video — *The Faces of DUI*, which is used in speaking engagements with adults and young people across the state. Several public service announcements also have been produced for television audiences. For more information on the video or to schedule a speaker on DUI for your school or community organization, please call my Traffic Safety Hotline at 1-866-247-0213.

I thank the judiciary and law enforcement communities, the Illinois Legislature and victim advocate groups for their assistance in helping to educate Illinois drivers about the dangers of drinking and driving. I assure the people of Illinois my continued commitment to keeping drunk drivers off our roads.

Sincerely,

A handwritten signature in cursive script that reads "Jesse White". The signature is written in dark ink and is positioned above the printed name and title.

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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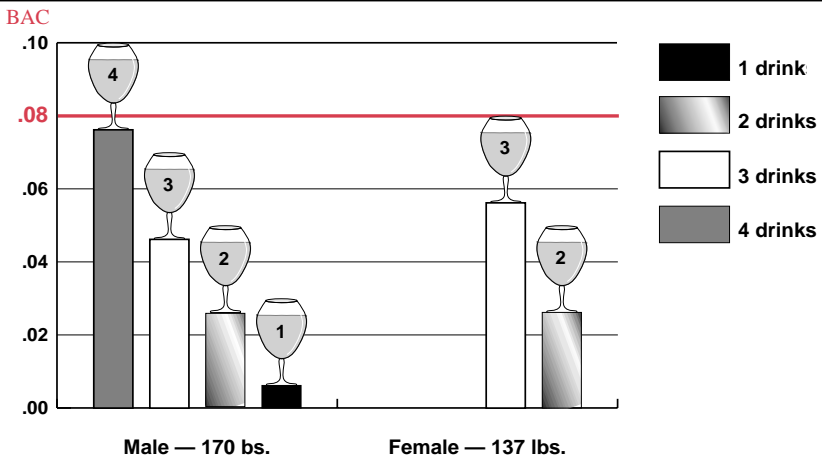
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Blood-Alcohol Limits in Illinois

| | |
|---|-----|
| Drivers under age 21 | .00 |
| School bus drivers | .00 |
| Commercial driver's license holders | .04 |
| Drivers age 21 and over | .08 |

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

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.

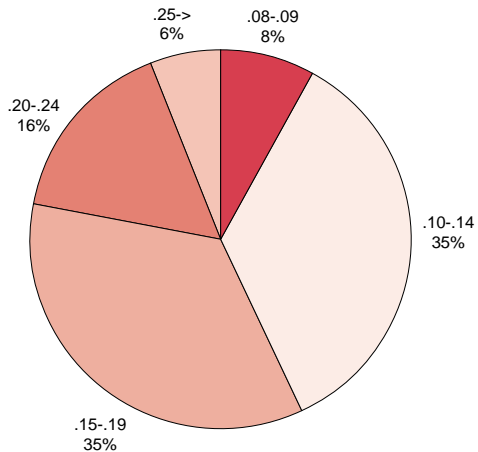
When the Illinois General Assembly passed legislation in 1997 to lower the illegal BAC limit to .08 percent from .10 percent, Illinois became the 15th state to impose such a change.

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.

**2003 BAC Levels of Drivers
Who Failed a Chemical Test**

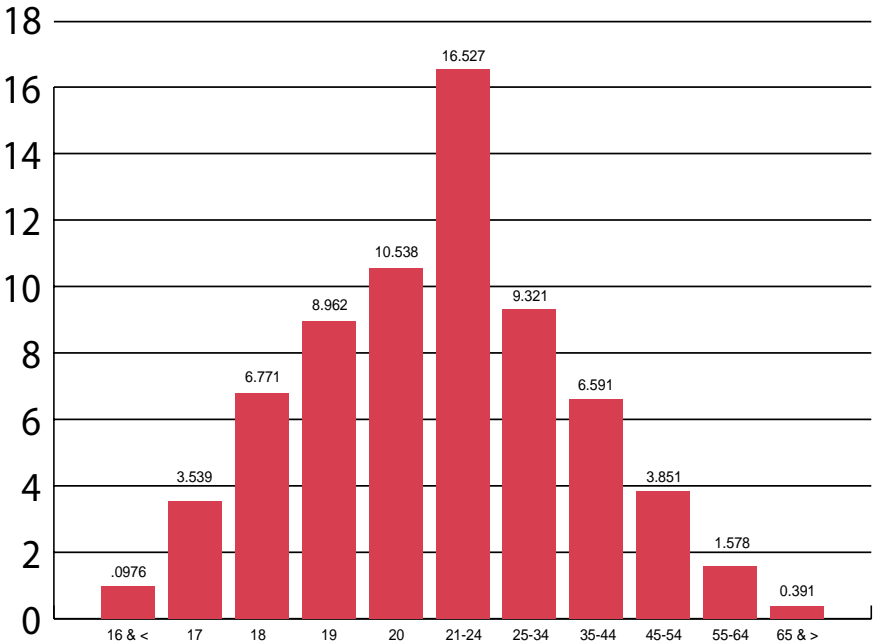


DUI Facts

In Illinois in 2003:

- 639 people were killed in alcohol-related crashes, which was 44 percent of the 1,453 total crash fatalities.
- More than 49,000 DUI arrests were recorded by the Secretary of State's office.
- 93 percent of all drivers arrested for DUI, who were eligible, lost their driving privileges.
- 2,863 drivers under age 21 lost their driving privileges due to "Use It & Lose It" law violations.
- 17 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 (27.6 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.

2003 Illinois DUI Arrest Rate



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

Nationally:

- Alcohol-related crash fatalities totaled 17,013 in 2003.
- Alcohol-related occupant fatalities increased 3 percent in SUVs and 5 percent on motorcycles in 2003.
- 40 percent of crashes involving an alcohol-impaired or intoxicated driver or non-occupant resulted in an involved person being killed or injured.
- 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.
- About 275,000 people suffered injuries in alcohol-related crashes in 2003.
- More than 1.5 million drivers are arrested for driving under the influence of alcohol or other drugs each year. This represents one in every 130 drivers in the United States.
- The percentage of alcohol-related crashes in 2003 represents an average of one alcohol-related fatality every 31 minutes and one alcohol-related injury every two minutes.
- The rate of alcohol involvement in fatal crashes is three times as high at night as during the day. More than 53 percent of weekend evening crashes are alcohol related.
- Motor vehicle crashes are the leading cause of death for people ages 2-33.
- The highest intoxication rates for drivers in fatal crashes were recorded for drivers ages 21-24 (32 percent), followed by ages 25-34 (27 percent) and 35-44 (24 percent).
- Alcohol-related crashes, injuries and fatalities cost society more than \$45 billion in lost productivity, medical care, property damage and other direct expenditures annually.

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.
- Illinois, 48 other states, the District of Columbia and Puerto Rico have .08 BAC per se laws. On Aug. 1, 2005, Minnesota will become the final state to enact the .08 per se law.
- 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 (60 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

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 6).
- 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 three-month driver's license suspension
 - second offense**—mandatory 12-month suspension
- **Penalty for *refusing* to submit to chemical testing:**
 - first offense**—mandatory six-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 any penalties.

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 15) to challenge the legality of an arrest; however, the request does not stop the suspension from taking effect.

A Judicial Driving Permit (JDP) may be available to qualifying offenders during the suspension period (see page 15-16).

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 | 12 months | Not eligible for JDP; not eligible for RDP |
| Refusing to Submit to Chemical Testing, Second or Subsequent Offense | 36 months | Not eligible for JDP; not eligible for RDP |

During 2003, 93 percent of drivers arrested for DUI who either failed or refused chemical testing lost their driving privileges; 83 percent of those were first offenders. Sixty-two percent of the summary suspensions were for failed chemical tests, while 38 percent were for refusals. The Secretary of State's office also recorded 235 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 DUI CONVICTIONS

Under Age 21

| PENALTIES | CONVICTIONS | | | |
|-----------|----------------------------|-----------------------------------|---|---|
| | | First | Second | Third |
| | Loss of driving privileges | Minimum 2 years | Minimum 5 years | Minimum 10 years |
| | Eligible for RDP | Yes, after the first year.* | Yes, after 1 year. Installation of a BAIID is required in the driver's vehicle for the life of the RDP. | Yes, after 1 year. Installation of a BAIID is required in the driver's vehicle for the life of the RDP. |
| | Jail | Possible 0-12 months imprisonment | Possible 0-12 months imprisonment; mandatory 5 days (or 30 days community service) if in 5-year period | Class 4 felony with possible imprisonment 1-3 years |
| | Community Service | 100 hours | 30 days (or 5 days in jail) if within a 5-year period | If given probation, possible 30 days |
| Fines | up to \$2,500 | up to \$2,500 | up to \$25,000 | |

Note – See page 16 for information on BAIID.

* An offender requesting an RDP after a first conviction may be required to have a BAIID installed in the vehicle as part of driving relief.

PENALTIES FOR DUI CONVICTIONS

Age 21 and over with a BAC of .08 to .15

| PENALTIES | CONVICTIONS | | | |
|-----------|----------------------------|-----------------------------------|---|---|
| | | First | Second | Third |
| | Loss of driving privileges | Minimum 1 year | Minimum 5 years | Minimum 10 years |
| | Eligible for RDP | Yes | Yes, after 1 year revocation has been served and only with a BAIID installed in the driver's vehicle for the lifetime of the RDP. | Yes, after 1 year revocation has been served and only with a BAIID installed in driver's vehicle for the lifetime of the RDP. |
| | Jail | Possible 0-12 months imprisonment | Possible 0-12 months imprisonment; mandatory 5 days (or 30 days community service) if within 5-year period. | Class 4 felony with possible 1-3 years imprisonment |
| | Community Service | 100 hours | 30 days (or 5 days in jail) if within 5-year period | If given probation, possible 30 days |
| Fines | Up to \$2,500 | Up to \$2,500 | Up to \$25,000 | |

* An offender requesting an RDP after a first conviction may be required to have a BAIID installed in the vehicle as part of driving relief.

Penalties for a DUI Conviction

Additional consequences

- 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 and 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 16).
- 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 of 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 2003, 4,393 were for second offenses, 1,301 were for third offenses, and 734 were for fourth or subsequent offenses resulting in a lifetime revocation.

Driving with a BAC of .16 or Greater

More than 50 percent of all drivers arrested in Illinois for DUI register a blood-alcohol concentration of .15 or greater. A person with a BAC of .15 or greater is 380 times more likely to be involved in an automobile crash.

| PENALTIES FOR DUI CONVICTIONS with BAC of .16 or greater | | | | |
|---|--|--|---|---|
| PENALTIES | CONVICTIONS | | | |
| | | First | Second | Third |
| | Loss of driving privileges | Minimum 1 year | Minimum 5 years | Minimum 10 years |
| | Eligible for RDP | Yes* | Yes, after 1 year. Installation of a BAIID is required in the driver's vehicle for the life of the RDP. | Yes, after 1 year. Installation of a BAIID is required in the driver's vehicle for the life of the RDP. |
| | Jail | Possible 0-12 months imprisonment | If within 5 years, mandatory 7 days in jail | If within 20 years, considered a Class 4 felony with mandatory 90 days in jail and possible 1-3 years imprisonment. |
| | Community Service | Mandatory minimum of 100 hours | If within 5 years, it may be awarded in addition to any jail time but not in lieu of jail. | No |
| Fines | Minimum \$500 fine; maximum \$2,500 fine | Minimum \$1,250 fine; maximum \$2,500 fine | Minimum \$2,500 fine; maximum \$25,000 fine | |

* An offender requesting an RDP after a first conviction may be required to have a BAIID installed in the vehicle as part of driving relief.

DUI with a Child in the Vehicle

In 2003, 21 percent of motor vehicle fatalities involving children under age 15 were alcohol related. Of the children ages 0-14 who were killed in alcohol-related crashes during 2003, 47 percent were passengers in vehicles with drivers who had been drinking.

Illinois has established tougher penalties for those individuals who drive under the influence with a minor child in the car. These penalties include mandatory minimum jail and community service sentences for the drivers.

| PENALTIES FOR DUI CONVICTIONS | | | | |
|---|--|--|---|--|
| Driving with a child under age 16 with BAC of .08 or greater | | | | |
| PENALTIES | CONVICTIONS | | | |
| | | First | Second | Third |
| | Loss of driving privileges | Minimum one year | Minimum 5 years | Minimum 10 years |
| | Eligible for Restricted Driving Permit | Yes* | Yes, after one year. Installation of a BAIID is required in the driver's vehicle for the life of the RDP. | Yes, after one year. Installation of a BAIID is required in the driver's vehicle for the life of the RDP. |
| | Jail | Mandatory 2 days with possible 0-12 months imprisonment | If within 5 years, mandatory 17 days in jail | If within 20 years, considered a Class 4 felony with mandatory 90 days in jail and possible imprisonment of 1-3 years. |
| | Community Service | Mandatory minimum of 100 hours and 5 days in a program benefiting children | If within 5 years, minimum 30 days plus an additional mandatory 10 days in a program benefiting children. | No |
| Fines | Minimum \$1,000 fine; maximum \$2,500 fine | Minimum \$1,750 fine; maximum \$2,500 fine | Minimum \$2,500 fine; maximum \$25,000 fine | |

* An offender requesting an RDP after a first conviction may be required to have a BAIID installed in the vehicle as part of driving relief.

Penalties for Other Alcohol-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; or a DUI after a prior conviction for reckless homicide.

- Class 4 felony with possible imprisonment of one-three years and fines of up to \$25,000.
- One-year minimum revocation of driving privileges.
- Possible imprisonment for one-12 years for DUI resulting in great bodily harm, permanent disability or disfigurement.

Aggravated DUI Involving a Death

A DUI resulting in one or more deaths.

- Class 2 felony with possible imprisonment of three-14 years and fines of up to \$25,000.
- Possible imprisonment of six-28 years for multiple fatalities.
- Two-year minimum revocation of driving privileges.

Reckless Homicide (DUI)

A DUI resulting in the loss of life.

- Class 2 felony with possible imprisonment of three-14 years and fines of up to \$25,000.
- Possible imprisonment of six-28 years for multiple fatalities.
- Two-year minimum 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.

- One-year suspension of driving privileges for a first conviction.
- Five-year suspension of driving privileges for a second conviction within five years.

Knowingly Permitting a Driver Under the Influence to Operate a Vehicle

- Class A misdemeanor with possible imprisonment of up to one year and fines of up to \$2,500.

Driving on a Suspended or Revoked License

Applies to a driver whose license was suspended or revoked for DUI, leaving the scene of a personal injury or fatal crash, reckless homicide, or Statutory Summary Suspension.

- Seizure and forfeiture of the driver's vehicle.
- Mandatory 10-day imprisonment or 30 days of community service and fines of up to \$2,500.
- Double the original suspension period or a one-year extension to the length of the revocation.

- Second conviction — Class 4 felony with mandatory imprisonment of 30 days or 200 hours of community service.
- Third conviction — Class 4 felony with mandatory imprisonment of 30 days and not eligible for community service.
- Fourth conviction — Class 4 felony with mandatory imprisonment of 180 days. Upon a fourth conviction, a judge has the discretion to seize the offender's license plates or order the immobilization of the offender's vehicle for an indeterminate period of time.

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.

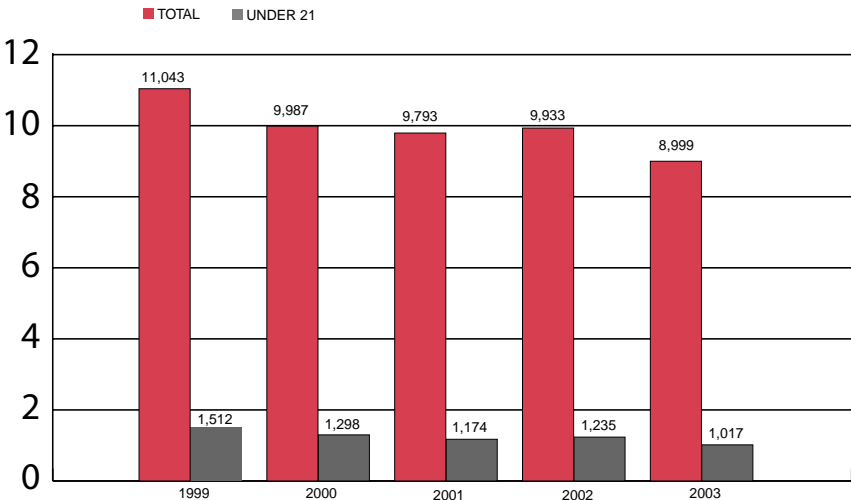
- Liability is limited to \$50,467 for property damage or personal injury.
- Liability extends to \$61,682 for a loss of means of support due to death or injury.

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 a point-assigned violation on the driver's record.
- One-year driver's license suspension or revocation for a second conviction within 12 months.
- Mandatory one-year license suspension for an offender under age 21 for a first offense, and a mandatory license revocation for a second offense.

Illegal Transportation Convictions



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 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 and have been charged with DUI. 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 14 percent of the 49,569 Statutory Summary Suspensions processed in 2003 were rescinded, compared to 13 percent in 2002.

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.

Of the 40,987 suspended first offenders in 2003, 21 percent (8,568) 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.

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 pay an additional \$500 in reinstatement fees.
- 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 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**

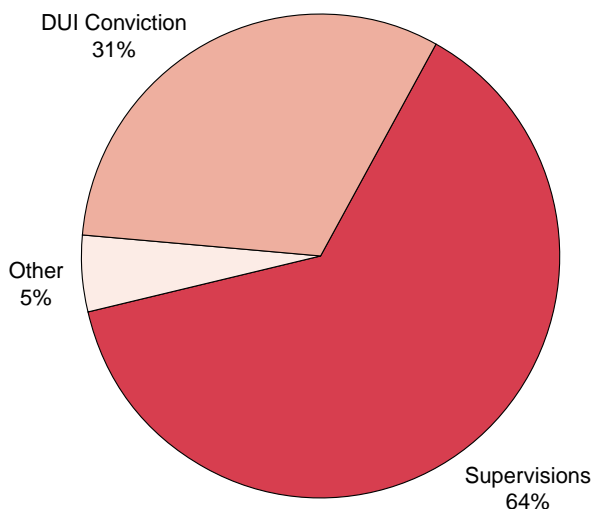
Case Dispositions

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 2003, 49,569 summary suspensions were recorded by the Secretary of State's office. As of Dec. 31, 2003, court dispositions were reported for 47 percent (23,279) of these cases. Of those dispositions, 31 percent (7,318) resulted in convictions and 64 percent (14,782) received court supervision. In 5 percent (1,179) of the cases, other dispositions, such as convictions for reckless driving, were received. Of the dispositions received, 23 percent of the first offenders received a DUI conviction, and 81 percent of the multiple offenders were convicted.

2003 DUI Case Dispositions



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 (see page 25) 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:** three-month driver’s license suspension for a BAC greater than .00; six-month suspension for refusal to submit to or failure to complete testing.
- **Second offense:** one-year driver’s license suspension for a BAC greater than .00; two-year suspension for refusal to submit to or failure to complete testing.

During 2003, 2,863 drivers under age 21 were suspended for driving with BACs of more than .00 percent or for refusing to submit to chemical testing. Additionally, 4,631 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 2003, 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 two-year minimum revocation of driving privileges, as opposed to one 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 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 can be viewed.

Offenses Related to Underage Drinking

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 one year.

Providing Alcohol to a Person Under 21

- A Class A misdemeanor with possible imprisonment for up to one year and fines of \$500 - \$2,500.

Parental Responsibility

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

- A Class A misdemeanor with possible imprisonment for up to one year and fines of \$500 - \$2,500.

Illegal Transportation

- Offenders may have their driving privileges suspended for one 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.

- A Class A misdemeanor with imprisonment of up to one year and 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 | 2002 | 2003 | COUNTY | 2002 | 2003 |
|------------|------|------|-------------|------|------|
| Adams | 15 | 21 | Jefferson | 8 | 13 |
| Alexander | 4 | 2 | Jersey | 10 | 10 |
| Bond | 1 | 2 | JoDaviess | 17 | 24 |
| Boone | 10 | 7 | Johnson | 0 | 2 |
| Brown | 3 | 1 | Kane | 65 | 83 |
| Bureau | 16 | 14 | Kankakee | 22 | 42 |
| Calhoun | 4 | 0 | Kendall | 17 | 22 |
| Carroll | 7 | 1 | Knox | 15 | 8 |
| Cass | 2 | 9 | Lake | 166 | 212 |
| Champaign | 42 | 32 | LaSalle | 51 | 40 |
| Christian | 26 | 14 | Lawrence | 3 | 1 |
| Clark | 5 | 6 | Lee | 23 | 14 |
| Clay | 2 | 8 | Livingston | 21 | 24 |
| Clinton | 16 | 14 | Logan | 12 | 17 |
| Coles | 29 | 27 | McDonough | 29 | 37 |
| Cook | | | McHenry | 90 | 87 |
| —Dist. 1 | 71 | 18 | McLean | 71 | 59 |
| —Dist. 2 | 83 | 93 | Macon | 24 | 39 |
| —Dist. 3 | 139 | 116 | Macoupin | 38 | 36 |
| —Dist. 4 | 41 | 45 | Madison | 57 | 78 |
| —Dist. 5 | 122 | 128 | Marion | 23 | 11 |
| —Dist. 6 | 114 | 125 | Marshall | 6 | 4 |
| Crawford | 15 | 13 | Mason | 8 | 5 |
| Cumberland | 11 | 14 | Massac | 9 | 17 |
| DeKalb | 69 | 84 | Menard | 14 | 9 |
| DeWitt | 11 | 8 | Mercer | 10 | 13 |
| Douglas | 18 | 15 | Monroe | 14 | 9 |
| DuPage | 203 | 204 | Montgomery | 12 | 21 |
| Edgar | 2 | 0 | Morgan | 34 | 24 |
| Edwards | 3 | 1 | Moultrie | 10 | 8 |
| Effingham | 47 | 33 | Ogle | 27 | 25 |
| Fayette | 11 | 9 | Peoria | 32 | 24 |
| Ford | 10 | 8 | Perry | 7 | 11 |
| Franklin | 19 | 24 | Piatt | 5 | 3 |
| Fulton | 10 | 10 | Pike | 13 | 13 |
| Gallatin | 7 | 6 | Pope | 0 | 0 |
| Greene | 16 | 10 | Pulaski | 3 | 3 |
| Grundy | 34 | 31 | Putnam | 4 | 0 |
| Hamilton | 5 | 3 | Randolph | 13 | 13 |
| Hancock | 15 | 4 | Richland | 8 | 6 |
| Hardin | 1 | 1 | Rock Island | 47 | 41 |
| Henderson | 9 | 2 | St. Clair | 67 | 80 |
| Henry | 51 | 26 | Saline | 13 | 12 |
| Iroquois | 22 | 18 | Sangamon | 114 | 89 |
| Jackson | 43 | 31 | Schuyler | 5 | 3 |
| Jasper | 8 | 7 | Scott | 6 | 3 |

"Use It & Lose It"/Zero Tolerance Violations

| COUNTY | 2002 | 2003 | COUNTY | 2002 | 2003 |
|------------|------|------|------------|-------|-------|
| Shelby | 17 | 12 | Washington | 8 | 7 |
| Stark | 1 | 0 | Wayne | 5 | 2 |
| Stephenson | 17 | 8 | White | 9 | 11 |
| Tazewell | 48 | 33 | Whiteside | 40 | 24 |
| Union | 11 | 4 | Will | 121 | 93 |
| Vermilion | 23 | 19 | Williamson | 37 | 32 |
| Wabash | 5 | 2 | Winnebago | 61 | 50 |
| Warren | 20 | 13 | Woodford | 11 | 13 |
| | | | Cook | 570 | 525 |
| | | | Downstate | 2,499 | 2,338 |
| | | | Statewide | 3,069 | 2,863 |

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.
- **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 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 Illinois General Assembly, with the support of professional medical organizations, passed a law requiring 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 or 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 of three years for second offense and minimum of six years for third or subsequent offense.

Effective Sept. 21, 1989

- Provided for a 24-month driver's license suspension with a minimum six

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 one-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 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 five 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 two 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

- Ensured that a person convicted of a fourth DUI violation will not be allowed to apply 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 two years to three 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 violation of 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

- Any person who commits a 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 is not eligible to receive probation at time of sentencing.

Effective Aug. 3, 2001

- Prohibited the Secretary of State from issuing a Restricted Driving Permit for a period of one 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 five 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 sentencing information, see page 10.)
- Enhanced penalties, including mandatory minimum prison and community service sentences, for individuals who drive under the influence of alcohol or other intoxicating compounds with a child under age 16 in the vehicle. (For specific information, see page 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

- Requires 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 one-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 one to three 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 three to 13 years imprisonment if the violation resulted in the death of one person, or six to 26 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 driving under the influence of alcohol, drugs or intoxicating compounds, 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 reckless driving in a construction or maintenance zone resulting in a death is reckless homicide — a Class 2 felony — and, if a defendant is sentenced to imprisonment, he/she will be sentenced to three to 14 years. If the offense involves the death of two or more persons as part of a single course of conduct, and, if sentenced to imprisonment, a defendant will be sentenced to six to 28 years.

Effective July 6, 2004

- Made leaving the scene of an accident a Class 4 felony with possible imprisonment of one to three years in prison. Requires 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 the offense of driving under the influence of alcohol, drugs, intoxicating compounds, or any combination of them 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.

Drivers Arrested for DUI

| COUNTY | 2001 | 2002 | 2003 |
|------------|-------|-------|-------|
| Adams | 290 | 336 | 244 |
| Alexander | 32 | 41 | 43 |
| Bond | 40 | 26 | 26 |
| Boone | 209 | 227 | 309 |
| Brown | 11 | 19 | 26 |
| Bureau | 168 | 185 | 181 |
| Calhoun | 21 | 23 | 13 |
| Carroll | 48 | 56 | 58 |
| Cass | 89 | 96 | 81 |
| Champaign | 600 | 681 | 721 |
| Christian | 101 | 121 | 100 |
| Clark | 76 | 92 | 96 |
| Clay | 39 | 35 | 27 |
| Clinton | 58 | 63 | 97 |
| Coles | 322 | 283 | 308 |
| Cook | | | |
| —Dist. 1 | 5,612 | 5,954 | 5,764 |
| —Dist. 2 | 1,387 | 1,672 | 1,788 |
| —Dist. 3 | 3,381 | 3,386 | 3,257 |
| —Dist. 4 | 1,166 | 1,024 | 944 |
| —Dist. 5 | 1,809 | 1,965 | 1,787 |
| —Dist. 6 | 1,143 | 1,414 | 1,216 |
| Crawford | 111 | 121 | 100 |
| Cumberland | 49 | 77 | 62 |
| DeKalb | 523 | 619 | 671 |
| DeWitt | 68 | 111 | 75 |
| Douglas | 63 | 67 | 88 |
| DuPage | 5,144 | 5,323 | 5,400 |
| Edgar | 78 | 44 | 42 |
| Edwards | 7 | 9 | 19 |
| Effingham | 223 | 233 | 208 |
| Fayette | 84 | 93 | 81 |
| Ford | 67 | 73 | 77 |
| Franklin | 165 | 160 | 150 |
| Fulton | 213 | 170 | 172 |
| Gallatin | 25 | 48 | 54 |
| Greene | 61 | 64 | 94 |
| Grundy | 256 | 256 | 185 |
| Hamilton | 24 | 31 | 20 |
| Hancock | 86 | 100 | 103 |
| Hardin | 16 | 11 | 13 |
| Henderson | 85 | 78 | 47 |
| Henry | 190 | 231 | 198 |
| Iroquois | 158 | 141 | 124 |
| Jackson | 486 | 661 | 673 |
| Jasper | 33 | 27 | 30 |

Drivers Arrested for DUI

| COUNTY | 2001 | 2002 | 2003 |
|-------------|-------|-------|-------|
| Jefferson | 162 | 195 | 195 |
| Jersey | 216 | 247 | 200 |
| JoDaviess | 155 | 129 | 161 |
| Johnson | 63 | 65 | 47 |
| Kane | 1,758 | 1,506 | 1,388 |
| Kankakee | 478 | 470 | 393 |
| Kendall | 235 | 239 | 186 |
| Knox | 252 | 274 | 218 |
| Lake | 5,091 | 4,950 | 4,884 |
| LaSalle | 671 | 665 | 645 |
| Lawrence | 129 | 75 | 75 |
| Lee | 166 | 149 | 114 |
| Livingston | 159 | 158 | 206 |
| Logan | 126 | 120 | 93 |
| McDonough | 260 | 288 | 267 |
| McHenry | 1,195 | 1,337 | 1,349 |
| McLean | 659 | 785 | 741 |
| Macon | 380 | 304 | 281 |
| Macoupin | 268 | 237 | 228 |
| Madison | 1,204 | 1,218 | 1,000 |
| Marion | 176 | 201 | 194 |
| Marshall | 26 | 46 | 36 |
| Mason | 20 | 39 | 44 |
| Massac | 130 | 114 | 110 |
| Menard | 26 | 46 | 30 |
| Mercer | 86 | 87 | 75 |
| Monroe | 142 | 199 | 197 |
| Montgomery | 187 | 185 | 189 |
| Morgan | 138 | 148 | 160 |
| Moultrie | 54 | 52 | 52 |
| Ogle | 187 | 211 | 200 |
| Peoria | 750 | 771 | 653 |
| Perry | 108 | 107 | 68 |
| Piatt | 54 | 66 | 74 |
| Pike | 51 | 60 | 76 |
| Pope | 13 | 12 | 19 |
| Pulaski | 28 | 59 | 67 |
| Putna | 31 | 27 | 16 |
| Randolph | 174 | 147 | 131 |
| Richland | 72 | 68 | 53 |
| Rock Island | 1,147 | 1,220 | 1,119 |
| St. Clair | 984 | 1,220 | 1,291 |
| Saline | 133 | 163 | 125 |
| Sangamon | 849 | 990 | 1,319 |
| Schuyler | 29 | 28 | 22 |
| Scott | 13 | 7 | 10 |

Drivers Arrested for DUI

| COUNTY | 2001 | 2002 | 2003 |
|------------|--------|--------|--------|
| Shelby | 105 | 113 | 97 |
| Stark | 10 | 9 | 7 |
| Stephenson | 193 | 221 | 166 |
| Tazewell | 703 | 752 | 651 |
| Union | 111 | 79 | 62 |
| Vermilion | 412 | 304 | 312 |
| Wabash | 75 | 94 | 66 |
| Warren | 85 | 77 | 108 |
| Washington | 88 | 63 | 69 |
| Wayne | 38 | 30 | 44 |
| White | 87 | 93 | 99 |
| Whiteside | 285 | 295 | 265 |
| Will | 1,659 | 1,598 | 1,126 |
| Williamson | 284 | 315 | 253 |
| Winnebago | 1,397 | 1,362 | 1,348 |
| Woodford | 92 | 113 | 123 |
| Cook | 14,498 | 14,498 | 14,756 |
| Downstate | 35,178 | 35,178 | 34,813 |
| Statewide | 49,676 | 51,649 | 49,569 |

2005 Illinois DUI Fact Book

In an effort to curb underage drinking and make driver's licenses for those under age 21 more recognizable, a new Under 21 Driver's License went into effect Jan. 1, 2005. The new license features a vertical design and a distinctive color pattern across the front, which makes it more difficult to duplicate or alter.

