



**Jesse White**  
SECRETARY OF STATE

**NEWS**

**ILLINOIS SECRETARY OF STATE**

**FOR IMMEDIATE RELEASE**

- **May 25, 2001**
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### **General Assembly Approves Stronger Penalties For Dui & Driving On Suspended/Revoked Licenses**

**SPRINGFIELD** — Secretary of State Jesse White commended members of the General Assembly for their strong support of his legislation targeting drunk drivers and people driving on suspended and revoked licenses. The Illinois House today sent White's DUI plan to the Governor.

"I want to thank the General Assembly for their strong support of this legislation," said White. "Heading into a holiday weekend, their action sends a strong message that we will not tolerate drinking and driving in Illinois. We want everyone to enjoy Memorial Day weekend safely."

The Illinois House today unanimously approved White's legislation that increases penalties against people arrested for driving at extremely high Blood Alcohol Concentrations (BAC) and for driving drunk with a child in the vehicle. The measure also requires that all repeat DUI offenders have Breath Alcohol Ignition Interlock Devices (BAIDs), which stop drunk drivers from starting a vehicle, installed in their cars.

The Senate sent a companion bill of White's to the Governor last week increasing penalties against drivers arrested for driving on suspended and revoked licenses. More than 73,000 people were arrested for driving on suspended and revoked licenses in 1999.

"Enacting these measures into law will help rid our highways of the most dangerous and irresponsible drivers - people who get behind the wheel at double the legal limit, drive drunk with a child in the car, or continue to drive after their license has been suspended or revoked," said White.

House Bill 2265 provides increased penalties for anyone caught driving at double the legal limit (.16 Blood Alcohol Content and higher) or driving drunk with a child in the vehicle. The legislation sets escalating penalties that include mandatory jail time for repeat offenders. The measure also requires any repeat DUI offender to have a BAIID installed in their vehicle.

House Bill 2266 targets people who ignore the law and continue to drive after their license has been suspended or revoked. Under the measure, those caught driving repeatedly on suspended and revoked licenses would face jail time. The legislation also allows judges to order the driver's vehicle immobilized by removing the license plates or installing a boot on the vehicle.

"These are two well thought-out and extremely comprehensive pieces of legislation aimed at drastically reducing the carnage caused by the hard-core segment of the drunk driving population," said Brad Fralick, Executive Director of Mothers Against Drunk Driving (MADD) of Illinois. "We believe this legislation will have an impact upon alcohol-related traffic fatalities greater than any legislative initiative that has preceded it."

Both measures were approved in the House and Senate with bipartisan support and have received the backing of an unprecedented coalition of anti-drunk driving advocacy groups, law enforcement officials and the beverage alcohol industry.

Sixty-seven members of the General Assembly sponsored House Bill 2265 including the lead sponsors, State Rep. Jim Brosnahan (D-Evergreen Park) and State Senator Debbie Halvorson (D-Crete). Sixty-two members sponsored House Bill 2266 including the lead sponsors, State Rep. Mary K. O'Brien (D-Coal City) and State Senator Debbie Halvorson (D-Crete).

Proponents of White's plan included Mothers Against Drunk Driving (MADD), the Alliance Against Intoxicated Motorists (AAIM), the Illinois Sheriffs' Association, the Illinois Association of Chiefs of Police, the Illinois State Bar Association, Cook County State's Attorney Dick Devine, Chicago Police Superintendent Terry Hillard, Chicago Fire Commissioner James Joyce, the Illinois Alcoholism and Drug Dependency Association, the Illinois Licensed Beverage Association, the Associated Beer Distributors of Illinois, the Illinois Restaurant Association, Anheuser-Busch Brewing, Miller Brewing, Romano Brothers and United Distillers and

Vintners.

**Provisions of HB 2265 (as amended) and HB 2266**  
Enhanced Penalties for DUI, Child Endangerment &  
Driving on Suspended/Revoked Licenses  
 Secretary of State Jesse White

Issue	Proposal	Current Law
<p>Extreme Influence of Alcohol &amp; Habitual DUI Offender  (HB 2265)</p>	<p>BAC of .16 and above Mandatory Minimums:</p> <p>1st offense - Minimum 100 hours of community service; minimum \$500 fine;</p> <p>2nd offense - within 10 years; minimum 2 days in jail; minimum \$1,250 fine; driving relief must include installation of a BAIID device</p> <p>3rd offense - within 20 years; Class 4 felony with a minimum of 90 days jail; minimum \$2,500 fine; driving relief must include installation of a BAIID device</p> <p>4th offense - Class 2 felony (3-7 years); not eligible for probation or conditional discharge; minimum \$2,500 fine</p>	<p>Currently, all DUIs treated the same regardless of results of BAC.</p> <p>1st offense - Class A misdemeanor</p> <p>2nd offense - within 5 years of previous conviction minimum 48 consecutive hours of imprisonment or assigned to a minimum of 100 hours of community service (decided by court)</p> <p>625 ILCS 5/11-501c</p>
<p>DUI with a child in the car  (HB 2265)</p>	<p>1st offense - Minimum 100 hours of community service; minimum \$500 fine;</p> <p>2nd offense - within 10 years; minimum 2 days in jail; minimum \$1,250 fine; driving relief must include installation of a BAIID device</p>	<p>Current law allows for: ... punishment under this Act enhanced by 2 days of imprisonment for a first offense, 10 days of imprisonment for a second offense, 30 days of imprisonment for a third offense, and 90 days for a fourth or subsequent offense, in addition to fine and community service... Shall not</p>

	<p>3rd offense - within 20 years; Class 4 felony with a minimum of 90 days jail; minimum \$2,500 fine; driving relief must include installation of a BAIID device</p> <p>4th offense - Class 2 felony (3-7 years); not eligible for probation or conditional discharge; minimum \$2,500 fine</p>	<p>be subject to suspension nor shall the period be eligible for probation in order to reduce the sentence or assignment.</p> <p>625 ILCS 5/11/501(c-3)</p>
<p>Implementation of BAIID (HB 2265)</p>	<p>Persons with 2 or more incidents of DUI within 10 years will be required to have a BAIID installed on their vehicle as the result of driving relief.</p> <p>In addition to the BAIID requirement, persons with 2 or more convictions of either child endangerment or DUI at .16 BAC or higher must keep BAIID device on vehicle after full reinstatement of driving privileges. Persons who violate this provision will have time requirement for BAIID doubled.</p>	<p>Current law allows for the placement of the device "when granting driving relief to individuals who have been arrested for a second or subsequent offense..."</p> <p>625 ILCS 5/6-205(h)</p>
<p>Jail time for Driving While Suspended or Revoked on a DUI, Reckless Homicide, Leaving the Scene of an Accident or Statutory Summary Suspension (HB 2266)</p> <p>Driving While Suspended or Revoked on all other moving violations</p>	<p>If an individual is caught driving with a suspended or revoked driver's license due to DUI, Statutory Summary Suspension, Reckless Homicide or Leaving the Scene of an Accident:</p> <p>Mandatory Minimums:</p> <p>1st offense - 10 days in jail or 30 days of community service</p> <p>2nd offense - Class 4</p>	<p>Current law for driving while suspended or revoked with a DUI, Statutory Summary Suspension, Reckless Homicide or Leaving the Scene is:</p> <p>1st offense - 7 days jail or 30 days of community service</p> <p>2nd offense - Class 4 felony</p> <p>Current law for all other types of suspension or revocation is:</p> <p>Class A misdemeanor for first</p>

(HB 2266)	<p>felony with a minimum jail time stipulation of 30 days or 300 hours of community service</p> <p>3rd offense - Class 4 felony with a minimum jail time stipulation of 30 days</p> <p>4th offense - Class 4 felony with a minimum jail time stipulation of 180 days</p> <p>For all other types of suspension or revocation:</p> <p>Mandatory Minimums:</p> <p>1st offense - Remains a Class A Misdemeanor</p> <p>2nd offense - Mandatory minimum of 100 hours of community service</p> <p>3rd offense - Mandatory minimum 30 days in jail or 300 hours of community service</p>	<p>and subsequent offenses</p> <p>625 ILCS 5/6-303</p>
<p>Vehicle Immobilization</p> <p>(HB 2266)</p>	<p>In addition to mandatory jail time penalties, upon a fourth conviction of driving while suspended or revoked judicial discretion is given to seize the offender's license plates or order the immobilization of an offender's vehicle.</p>	<p>No provisions for immobilization of a vehicle for this type of offense currently exist in state law.</p>
<p>Administrative Hearings Reform</p> <p>(HB 2265)</p>	<p>This proposal sets a \$50 fee to schedule a formal hearing with the Department of Administrative Hearings. It also requires a \$20 per month fee for BAID users.</p> <p>The fees collected would</p>	<p>Current law requires a formal hearing to be scheduled within 20 days of receipt of a written request at a date that is "as early as practical". A decision must be rendered within 180 days of the conclusion of the hearing.</p>

be deposited in the DUI Administration Fund to be used exclusively for operational expenses of the Department of Administrative Hearings.

The legislation also states that all persons who receive a suspension or revocation after 7/1/2002 must be granted a hearing within 90 days of receipt of a written request by the SOS Administrative Hearings Department. Also calls for all orders to be handed down within 90 days of the hearing's conclusion.

625 ILCS 5/2-118 (20 day stipulation)  
92 IAC 1001.100 (180 day rule)