

Related DUI Offenses

Aggravated DUI

Includes a third or subsequent DUI, a DUI while driving a school bus with children, a DUI without a valid driver's license/permit or vehicle insurance, a DUI resulting in great bodily harm or death, and a DUI violation after a previous conviction of reckless homicide or aggravated DUI involving a death. Felony charges vary by offense. For a complete listing of all offenses and penalties relating to DUI, please see the Secretary of State's *DUI Fact Book* at www.cyberdriveillinois.com (click Publications).

Reckless Homicide/Aggravated DUI with a Death

A DUI crash resulting in death.

- Class 2 felony (see penalty chart)
- Minimum 2-year driver's license revocation

DUI — Child Endangerment

DUI while transporting a child under age 16. Additional penalties apply. Aggravated DUI penalties may apply.

Driving Under the Extreme Influence of Alcohol

Driving with a BAC of .16 or more. Additional penalties apply. Aggravated DUI penalties may apply.

Contributing to DUI

Knowingly allowing a person to operate your vehicle under the influence of alcohol or other drugs.

- Class A misdemeanor (see penalty chart)

Open Container

It is illegal to transport or possess an alcoholic beverage in the passenger area of a vehicle when it is not in its original package or when the seal has been opened or broken. All passengers can be charged and fined; however, only the driver will have the conviction on his/her driving record. Chartered buses not for school use, limousines, motor homes and mini-motor homes are exempt.

Administrative Penalties

Driver's License Suspension

A suspension is the temporary loss of driving privileges for a specific length of time. Suspended drivers must comply with all requirements and pay any fees to obtain reinstatement of driving privileges.

Driver's License Revocation

A revocation is the loss of driving privileges with no guarantee of reinstatement. An individual may apply for reinstatement at the end of the revocation period. An administrative hearing, remedial education, recent alcohol/drug assessment, substance abuse treatment, purchase of SR22 insurance and payment of applicable fees also are required. If approved, reinstatement requires retesting and payment of fees for a new driver's license.

Implied Consent

By driving on Illinois roadways, a driver agrees to submit to testing for alcohol or other drugs. Refusing to submit to testing results in a longer suspension of driving privileges than that received for test failure. A test refusal can be used as evidence in a DUI case.

Vehicle Impoundment/Seizure

A driver may have his/her vehicle impounded or seized if arrested for DUI or driving while suspended or revoked for a previous DUI. Local home rules in cities and counties may have unique provisions for vehicle impoundment and/or seizure.

For more information or to schedule a presentation on DUI and traffic safety laws, please contact:

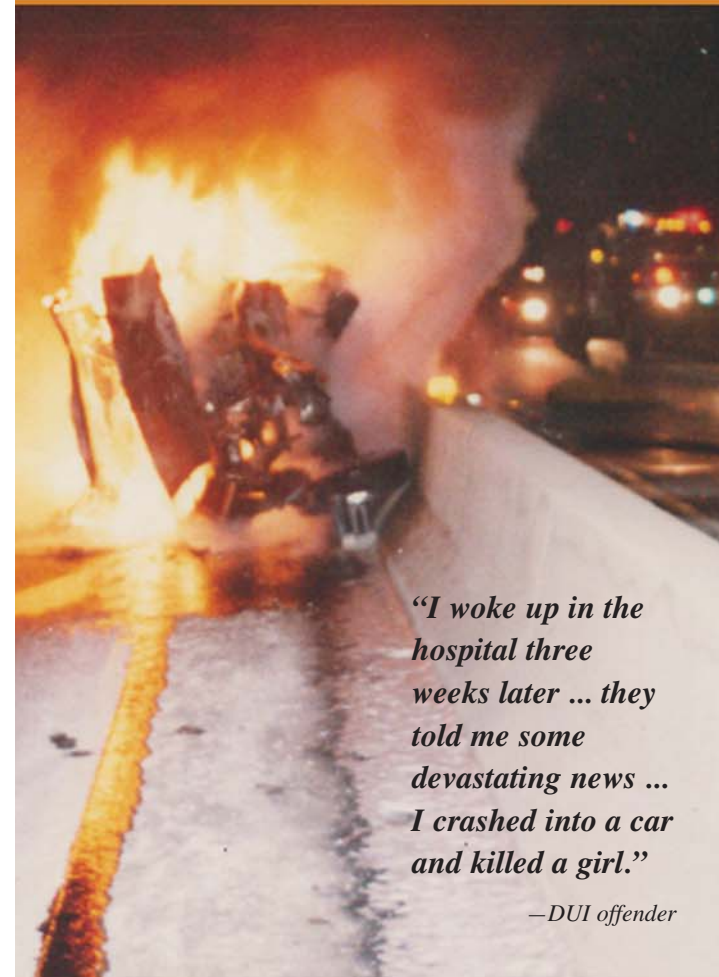
Secretary of State
2701 S. Dirksen Parkway
Springfield, IL 62723
866-247-0213 (presentations)
800-252-8980 (questions)

WWW.CYBERDRIVEILLINOIS.COM

Printed on recycled paper.
Printed by authority of the State of Illinois.
75M — October 2009 — DSD A 149.6



THE SOBERING TRUTH



"I woke up in the hospital three weeks later ... they told me some devastating news ... I crashed into a car and killed a girl."

—DUI offender

JESSE WHITE • SECRETARY OF STATE

Driving Under the Influence (DUI)

It is illegal to operate a vehicle in Illinois with a blood-alcohol concentration (BAC) of .08 percent or more. With additional evidence, a driver also can be convicted of DUI with a BAC of more than .05. DUI also applies to driving under the influence of other drugs, including any legal or illegal substances that cause impairment, regardless of how they enter the body. A DUI is classified as a violent crime and is never expunged from a driver's record.

Drivers arrested with a BAC of more than .08, other drugs or refusing to submit to testing are subject to the Statutory Summary Suspension provisions regardless of any of the following court findings.

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, whether the driver was driving on a suspended or revoked license, and whether the driver has previous DUI convictions. For a complete listing of all the offenses and penalties relating to DUI, see the Secretary of State's *DUI Fact Book*.

First conviction

- Class A misdemeanor (see penalty chart)
- Revocation of driving privileges for a minimum of 1 year (2 years if under age 21)
- Suspension of vehicle registration
- If prior DUI-related suspension or revocation within 10 years, must have a Breath Alcohol Interlock Device (BAIID) installed as condition of driving relief.

Second conviction

- Class A misdemeanor (see penalty chart)
- Revocation of driving privileges for a minimum of 5 years; eligible for driving relief after 1 year of revocation only with a BAIID installed
- Suspension of vehicle registration

Third conviction (Aggravated DUI)

- Class 2 felony (see penalty chart)
- Revocation of driving privileges for a minimum of 10 years; eligible for driving relief after 1 year of revocation only with a BAIID installed
- Suspension of vehicle registration

Fourth conviction (Aggravated DUI)

- Class 2 felony (see penalty chart)
- Revocation of driving privileges for life; not eligible for driving relief
- Suspension of vehicle registration

Fifth conviction (Aggravated DUI)

- Class 1 felony (see penalty chart)
- Revocation of driving privileges for life; not eligible for driving relief
- Suspension of vehicle registration

Sixth or subsequent conviction (Aggravated DUI)

- Class X felony (see penalty chart)
- Revocation of driving privileges for life; not eligible for driving relief
- Suspension of vehicle registration

Statutory Summary Suspension*

Failing chemical testing

- First Offense — Suspension of driving privileges for 6 months; eligible for Monitoring Device Driving Permit (MDDP) on 31st day of suspension*
- Second or Subsequent Offense — 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 12 months; eligible for Monitoring Device Driving Permit (MDDP) on 31st day of suspension*
- Second or Subsequent Offense — Suspension of driving privileges for 3 years; not eligible for driving relief

* *First-time DUI offenders who are eligible for driving relief and are issued an MDDP must operate only vehicles installed with a Breath Alcohol Ignition Interlock Device (BAIID), unless exempt by employment, and are subject to all MDDP rules and BAIID fees.*

Penalty Chart

Class A misdemeanor

- Possible imprisonment of up to 1 year; fines of up to \$2,500

Class 4 felony

- Possible imprisonment of 1-3 years; fines of up to \$25,000
- Aggravated DUI involving injury — Possible imprisonment of 1-12 years; fines of up to \$25,000

Class 3 felony

- Possible imprisonment of 2-5 years; fines of up to \$25,000

Class 2 felony

- DUI — Possible imprisonment of 3-7 years; fines of up to \$25,000
- Aggravated DUI with 1 death — Possible imprisonment of 3-14 years; fines of up to \$25,000
- Aggravated DUI with multiple deaths — Possible imprisonment of 6-28 years; fines of up to \$25,000

Class 1 felony

- Possible imprisonment of 4-15 years; fines of up to \$25,000

Class X felony

- Possible imprisonment of 6-30 years; fines of up to \$25,000