



State:

Illinois

Statute/Law:

Sec. 11 501: *Driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof.*

Per Se Law?:

Yes

Statute/Law Language:

(a) A person shall not drive or be in actual physical control of any vehicle within this State while:

(1) the alcohol concentration in the person's blood or breath is 0.08 or more based on the definition of blood and breath units in Section 11-501.2;

(2) Under the influence of alcohol;

(3) Under the influence of any intoxicating compound or combination of intoxicating compounds to a degree that renders the person incapable of driving safely;

(4) Under the influence of any other drug or combination of drugs to a degree that renders the person incapable of safely driving;

(5) Under the combined influence of alcohol, other drug or drugs, or intoxicating compound or compounds to a degree that renders the person incapable of safely driving; or

(6) there is any amount of a drug, substance, or compound in the person's breath, blood, or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act.

Penalties Following Conviction:

First offense: Up to 1 year imprisonment (no mandatory), not more than \$2,500 fine;

Second Offense: Up to 1 year imprisonment (5 days mandatory) or 240 hours community service, not more than \$2,500;





Third Offense: (Class 2 felony, probationable) -3 to 7 years imprisonment. If defendant receives probation, then there is a mandatory sentence of 10 days jail or 480 hours of public service work, not more than \$25,000 fine;

Fourth Offense: (Class 2 felony, non-probationable) -3 to 7 years imprisonment, up to \$25,000 fine; All offenders are required to obtain an alcohol/drug evaluation and undergo treatment as determined.

Discretionary Court-Ordered Penalties:

All offenders are required to obtain an alcohol/drug evaluation and undergo treatment as determined; may be ordered to attend a victim impact panel; the court may order the defendant to pay restitution for the cost of the emergency response. The court may also order restitution directly to the victim. Additional fees, surcharges, costs and fees are also assessed. Forfeiture may also be ordered in felony cases.

For more information:

<http://www.ilga.gov/legislation/ilcs/fulltext.asp?DocName=062500050K11-501>

Current as of August 2016