

Illinois DUI Sentencing Chart

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<u>Statutory Summary Suspension:</u>	<u>Loss of Driving Privileges:</u>	<u>Eligible for JDP?</u>	<u>Type of Sentence:</u>	<u>Jail:</u>	<u>Community Service:</u>	<u>Fines:</u>
*1st Offender >.08 or drug	3 months	*JDP on 31 st day of suspension	N/A	N/A	N/A	\$250.00 Reinstatement Fee
*1st Offender Refusal	6 months	JDP on 31 st day of suspension	N/A	N/A	N/A	\$250.00 Reinstatement Fee
*2nd Offender >.08 or drug	12 months	Not Eligible for JDP or *RDP	N/A	N/A	N/A	\$500.00 Reinstatement Fee
*2nd Offender Refusal	36 months	Not eligible for JDP or RDP	N/A	N/A	N/A	\$500.00 Reinstatement Fee
<u>DUI Offense:</u>						
1st Violation Refusal or BAC <.16	SSS 3 months	On 31 st day of Suspension, if Supervision	Class A Misdo Eligible for Sup up to 2 years	None, if Supervision	Not Required	*Up to \$2,500.00
2nd Violation Refusal or BAC <.16	SSS and revocation 1 year if convicted	RDP eligible. If 2 nd conviction, RDP after 1 year with *BAAID	Class A Misdo. Not eligible for Sup, if prior DUI Sup. Probation or Cond. Discharge up to 2 years.	0-364 days. If prior within 5 years, mandatory 5 days jail, or 240 hours community service.	If prior within 5 years, then 240 Hours	*Up to \$2,500.00

1st Violation BAC >.16	SSS 3 months	On 31 st day of Suspension, if Supervision	Class A Misdo. Eligible for Sup. up to 2 years.	None, if Supervision	Mandatory 100 Hours	*Up to \$2,500.00
1st Violation With Passenger Under 16 YOA	SSS 3 months	On 31 st day of Suspension, if Supervision	Class A Misdo, Eligible for Sup. up to 2 years.	Mandatory 2 days	Mandatory 140 hours; 40 hours to benefit children.	*Up to \$2,500.00

Terms:

- *SSS: Statutory Summary Suspension
- *First Offender: No Prior DUI suspensions, supervisions or convictions within last 5 years.
- *Second Offender: Prior DUI suspension, supervision or conviction within 5 years of test.
- *JDP: Judicial Driving Permit
- *RDP: Restricted Driving Permit
- *BAAID: Breath Alcohol Ignition Interlock Device
- *BAC: Blood Alcohol Content

NOTE: This sentencing chart does **not** include sentencing guidelines for 3rd or more DUI violations, DUI violation while driving a school bus with children, DUI violation resulting in great bodily harm or death, DUI violation with accident and with injury in school zone where 20 MPH limit is in effect, 2nd through 4th DUI violation with passenger under the age of 16, or 2nd through 4th DUI violation with BAC >.16, all of which carry significantly greater penalties. Under Illinois law, good conduct credit is not permitted on a sentence of imprisonment imposed for aggravated DUI. 730 ILCS 5/3-6-3(a)(3) states, in part, as follows: “Notwithstanding the foregoing, good conduct credit for meritorious service shall not be awarded on a sentence of imprisonment imposed for conviction of.....aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code,.....”

DUI Violation During SSS Revoked for DUI:

If 1st or 2nd DUI violation occurs during SSS revoked for DUI, then SSS and revocation for a minimum of 1 one year if conviction on DUI. Is a Class 4 felony which can result in probation or conditional discharge up to 30 months, and requires a mandatory minimum 30 days jail or 40 days periodic imprisonment or 480 hours of community service. Can also result in a sentence of 1-3 years in the Illinois Department of Corrections.

If 3rd DUI violation during SSS revoked for DUI, revoked for a minimum of 5 years if prior conviction within 20 years; revoked a minimum of 10 years if 3rd conviction; revoked for life if 4th conviction. Is a Class 3 felony which can result probation or conditional discharge up to 30 months, and

requires a mandatory 30 days in jail or 40 days of periodic imprisonment or 720 hours of community service. Can also result in a sentence of 2-5 years in the Illinois Department of Corrections.

If 4th DUI violation during SSS revoked for DUI, revoked for a minimum of 5 years if prior conviction within 20 years; revoked a minimum of 10 years if 3rd conviction; revoked for life if 4th conviction. Is a Class 2 felony and is not eligible for a sentence of probation or conditional discharge. Upon conviction, will result in a sentence of 3-7 years in the Illinois Department of Corrections.

ADDITIONAL NOTES REGARDING FINES AND COSTS:

All felony DUI convictions require DNA Analysis. The Defendant incurs the \$200 DNA Fee. P.A. 93-216 (eff. 1-01-04)

625 ILCS 5/11-501 (e) et. seq., states, in part:

(e) After a finding of guilt and prior to any final sentencing, or an order for supervision, for an offense based upon an arrest for a violation of this Section or a similar provision of a local ordinance, individuals shall be required to undergo a professional evaluation to determine if an alcohol, drug, or intoxicating compound abuse problem exists and the extent of the problem, and undergo the imposition of treatment as appropriate. Programs conducting these evaluations shall be licensed by the Department of Human Services. The cost of any professional evaluation shall be **paid for by the individual required to undergo the professional evaluation.** (Emphasis Added)

(e-1) Any person who is found guilty of or pleads guilty to violating this Section, including any person receiving a disposition of court supervision for violating this Section, may be required by the Court to attend a victim impact panel offered by, or under contract with, a County State's Attorney's office, a probation and court services department, Mothers Against Drunk Driving, or the Alliance Against Intoxicated Motorists. All costs generated by the victim impact panel shall be paid **from fees collected from the offender** or as may be determined by the court. (Emphasis Added)

(f) Every person found guilty of violating this Section, whose operation of a motor vehicle while in violation of this Section proximately caused any incident resulting in an appropriate emergency response, **shall be liable for the expense of an emergency response** as provided under Section 5-5-3 of the Unified Code of Corrections. (Emphasis Added)

(g) The Secretary of State **shall revoke** the driving privileges of any person **convicted** under this Section or a similar provision of a local ordinance. (Emphasis Added)

(i) The Secretary of State shall require the use of ignition interlock devices on all vehicles owned by an individual who has been convicted of a second or subsequent offense of this Section or a similar provision of a local ordinance. The Secretary shall establish by rule and regulation the procedures for certification and use of the interlock system.

(j) In addition to any other penalties and liabilities, a person who is found guilty of or pleads guilty to violating subsection (a) this Section, including any person placed on court supervision for violating subsection (a) this Section, **shall be fined \$100**, payable to the circuit clerk, who shall distribute the money to the law enforcement agency that made the arrest. If the person has been previously convicted of violating subsection (a) this Section or a similar provision of a local ordinance, **the fine shall be \$200**. In the event that more than one agency is responsible for the arrest, the \$100 or \$200 shall be shared equally. Any moneys received by a law enforcement agency under this subsection (j) shall be used to purchase law enforcement equipment that will assist

in the prevention of alcohol related criminal violence throughout the State. This shall include, but is not limited to, in-car video cameras, radar and laser speed detection devices, and alcohol breath testers. Any moneys received by the Department of State Police under this subsection (j) shall be deposited into the State Police DUI Fund and shall be used to purchase law enforcement equipment that will assist in the prevention of alcohol related criminal violence throughout the State. (Emphasis Added)

m) In addition to any other fine or penalty required by law, an individual convicted of a violation of subsection (a), Section 5-7 of the Snowmobile Registration and Safety Act, Section 5-16 of the Boat Registration and Safety Act, or a similar provision, whose operation of a motor vehicle, snowmobile, or watercraft while in violation of subsection (a), Section 5-7 of the Snowmobile Registration and Safety Act, Section 5-16 of the Boat Registration and Safety Act, or a similar provision proximately caused an incident resulting in an appropriate emergency response, **shall be required to make restitution** to a public agency for the costs of that emergency response. **The restitution may not exceed \$1,000 per public agency** for each emergency response. As used in this subsection (m), "emergency response" means any incident requiring a response by a police officer, a firefighter carried on the rolls of a regularly constituted fire department, or an ambulance. (Emphasis Added)