

## 2008-2009 Illinois DUI Penalties Chart (For offenses after June 1, 2008)

### First Offense

- Class A Misdemeanor
- Court Supervision up to 2 years
- DUI Tech Fee \$500.00
- Fines of 0-2,500.00
- BAC > .16 or greater
  - Mandatory 100 hours community service
  - Mandatory Minimum fine of \$500.00
- Passenger < under 16 years old
  - Subject to 6 months jail or 25 days community service in a program benefitting children
  - Mandatory minimum \$1000 fine
  - Up to maximum fine of \$2,500.00
  - If Bodily Harm to Passenger under 16,
    - Class 4 felony, min \$2,500.00 to max \$25,000.00 plus 25 days community service in a program benefitting children *and*
    - Mandatory minimum 10 days jail or 480 hours community service [11-501(d)(3)]
- If suspended, revoked, or no license or no insurance, then
  - Class 4 felony 1-3 years imprisonment *or*
  - Probation up to 30 months *and*
  - Mandatory minimum 10 days jail or 480 hours community service [11-501(d)(3)]
- If driving School Bus with pass < 18, Class 4 felony
- If driving in a school zone with limit of 20 mph in effect and accident with bodily harm *other* than great bodily harm, permanent disability or disfigurement
  - Class 4 felony 1-3 years imprisonment *or*
  - Probation up to 30 months *and*
  - Mandatory minimum 10 days jail or 480 hours community service [11-501(d)(3)]
- If *Great* bodily harm, permanent disability or disfigurement
  - Class 4 felony 1-12 years imprisonment *or*
  - Probation up to 30 months *and*
  - Mandatory minimum 10 days jail or 480 hours community service [11-501(d)(3)] *and*
  - Minimum fine \$2,500.00

## Second Offense

- Class A Misdemeanor
- No Court Supervision – Mandatory Conviction
- Revocation of Driving Privileges
- Mandatory 5 days jail or 240 hours community service
- DUI technology Fee of \$1,000.00
- Fines of up to \$2,500.00
- If 2d DUI and prior reckless homicide, then Class 4 felony
- If BAC >.16
  - Add additional 2 days jail to above penalties
  - Mandatory minimum fine of \$1250.00
- If Passenger < 16 years old
  - Class 2 felony 3-7 years imprisonment or probation up to 48 months §11-501(d)(1)(K) and (I) *and*
  - min \$2500.00 plus 25 days community service in a program benefitting children §11-501(d)(1)(K) and (I) *and*
  - Mandatory minimum 10 days jail or 480 hours community service [11-501(d)(3)]
  - If *Bodily Harm* to Passenger under 16,
    - Class 2 felony 3-7 years imprisonment or probation up to 48 months §11-501(d)(1)(K) and (I), *and*
    - min \$5000.00 to max \$25,000.00
    - plus 25 days community service in a program benefitting children *and*
    - Mandatory minimum 10 days jail or 480 hours community service [11-501(d)(3)]
- If *Great* bodily harm, disability or disfigurement to any person
  - Class 4 felony, from probation to 1-12 years imprisonment
  - Minimum fine of \$5000.00 plus 25 days community service in a program benefitting children (any bodily harm per 11-501(d)(1)(K and I)
  - Mandatory minimum 10 days jail or 480 hours community service 11-501(d)(3)
- If suspended, revoked, , or no insurance, then
  - Class 4 felony 1-3 years imprisonment or
  - Probation up to 30 months and
  - Mandatory minimum 10 days jail or 480 hours community service 11-501(d)(3)
- If accident with great bodily harm
  - Class 4 felony 1-3 years imprisonment *or*
  - Probation up to 30 months *and*
  - Mandatory minimum 10 days jail or 480 hours community service 11-501(d)(3)
  - Minimum fine \$5,000.00

### Third Offense

- Class 2 Felony
- 3-7 years imprisonment or
- Probation up to 48 months, *and*
- Mandatory minimum 10 days jail or 480 hours community service
- DUI Tech fee \$1,000.00
- Fines up to max \$25,000.00
- If BAC > .16
  - Mandatory 90 days jail *and*
  - Mandatory minimum fine of \$2500.00
- If passenger < 16 years old
  - Mandatory minimum fine of \$25,000.00 *and*
  - Mandatory 25 days community service in a program benefitting children
- If Great bodily harm, disability or disfigurement
  - Class 2 felony, from 480 community service to 1-12 years imprisonment (note: combining 1-12 years great bodily harm requirement; if *any* jail then must be minimum 1 year)

### Fourth Offense

- Class 2 Felony non-probationable
- 3-7 years imprisonment *and*
- DUI Tech fee \$1,000.00
- Maximum fine of \$25,000.00
- If BAC > .16
  - Mandatory Minimum fine is \$5,000.00
- If passenger < 16 years old
  - Minimum fine \$25,000.00 *and*
  - Mandatory 25 days community service in a program benefitting children
- If Great bodily harm, disability or disfigurement
  - Class 2 felony, from 480 hrs. community service to 1-12 years imprisonment (note: combining 1-12 years great bodily harm requirement)

### Fifth Offense

- Class 1 non-probationable
- 4-15 years imprisonment
- DUI Tech fee \$1,000.00
- Fine up to \$25,000.00
- If BAC > .16
  - Mandatory Minimum fine \$5000.00
- If passenger < 16 years
  - Minimum fine \$25,000.00 *and*
  - Mandatory 25 days community service in a program benefitting children