

## DUI & ALCOHOL/DRUG-RELATED OFFENSES

**Aggravated DUI** — Any DUI offense resulting in felony charges is classified as Aggravated DUI. Any mandatory term of imprisonment or community service is not subject to suspension or reduction. Any person sentenced to probation or conditional discharge also must serve a minimum 480 hours of community service or 10 days imprisonment.

**Reckless Homicide** — DUI involving a crash resulting in a fatality where the driver acted recklessly.

**DUI Child Endangerment** — DUI while transporting a child under age 16.

**Driving Under the Extreme Influence of Alcohol** — DUI with a BAC of .16 or more.

**Illegal Transportation/Open Container** — It is illegal to transport, carry, possess, or have any open alcoholic beverages or cannabis in the passenger compartment of a motor vehicle. Alcohol must be in the original container with the seal unbroken. Cannabis must be in a secured, sealed, or resealable, odor-proof, child-resistant cannabis container that is inaccessible. If the offender is under age 21, there is a mandatory suspension of driving privileges for one year for a first offense and a mandatory revocation of driving privileges for a second offense.

**Illegal Consumption/Possession** — A person under age 21 who consumes, possesses, purchases, or receives alcohol.

**Contributing to DUI** — A person who knowingly allows another individual to operate their vehicle while under the influence of alcohol or drugs.

**Parental/Adult Responsibility** — It is illegal for parents or legal guardians to allow persons under age 21 to consume alcoholic beverages or fail to control access to alcohol on their private property or any property under their control, including a vehicle or watercraft. If a death or personal injury occurs due to consumption, the parent or legal guardian may face criminal penalties.

**Medical Cannabis (Marijuana)** — Illinois allows for the use of cannabis for medicinal purposes. A driver may not operate a motor vehicle while impaired by the use of cannabis prescribed for medicinal purposes and may not transport medical cannabis in a vehicle unless it is stored in a secured, sealed, or resealable, odor-proof, child-resistant cannabis container that is inaccessible in an area that is inaccessible while the vehicle is in motion.

**Recreational Cannabis (Marijuana)** — Effective Jan. 1, 2020, Illinois law allows residents 21 and older to possess up to 30 grams of cannabis flower, 5 grams of concentrate, and 500 milligrams of THC infused in edibles and other products.

**Motorboat Crash with Personal Injury/Fatality** — A person who is involved in a personal injury or fatal boating crash while operating or in physical control of a watercraft and is issued a citation for any offense (other than an equipment violation) is deemed to have given consent to a breath test. A person who fails, refuses, or does not complete chemical testing will have their driver's license suspended.

- **DESIGNATE A DRIVER**
- **STAY OVERNIGHT**
- **USE PUBLIC TRANSPORTATION**

For more information about Illinois DUI laws, please consult the Secretary of State's DUI Fact Book at:

**ilsos.gov**

To schedule a presentation on DUI and traffic safety laws, please contact:

Secretary of State  
2701 S. Dirksen Pkwy.  
Springfield, IL 62723  
866-247-0213 (presentations)

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# DUI

**DRIVE SAFE, DRIVE SOBER**



**DUI, ZERO TOLERANCE & RELATED DUI OFFENSES**



**SECRETARY of STATE**  
**ALEXI GIANNOULIAS**

# PENALTY CHART



Driving under the influence (DUI) is a serious offense with serious consequences. DUI refers to driving under the influence of alcohol, cannabis, or other drugs, including any legal or illegal substance that causes impairment. In Illinois,

DUI is considered a violent crime, and a conviction is never expunged from a driver's record.

Regardless of age, driving is a privilege. I urge you to familiarize yourself with Illinois' DUI laws and think twice before drinking or using drugs and getting behind the wheel of a car. It's not only against the law; it could kill you, your friends or family members, and innocent people who share the road with you.

Please, drive safe and sober.

**Alexi Giannoulias**  
Secretary of State

## DUI IN ILLINOIS

**.08 BAC** — It is illegal to operate a motor vehicle with a blood-alcohol concentration (BAC) of .08% or more. A driver also can be convicted of DUI with a BAC of more than .05 if additional evidence is present. It is illegal to operate a vehicle with a THC of either 5 nanograms or more per milliliter of whole blood or 10 nanograms or more per milliliter of other bodily substance.

**Zero Tolerance** — Drivers under age 21 are prohibited from driving with any trace of alcohol or drugs in their systems.

**Implied Consent to Testing** — When operating a motor vehicle in Illinois, a driver automatically consents to submit to certain tests, including breath, blood, or urine, to determine if they are driving under the influence.

**THC** — Refers to the amount of tetrahydrocannabinol concentration found in a driver's whole blood or other bodily substance.

## REFUSING A CHEMICAL TEST — DRIVER'S LICENSE SUSPENSION

	Zero Tolerance	DUI (regardless of age)
First offense:	6 months	12 months
Second or subsequent offense:	24 months	36 months (If within 5 years)

## FAILING A CHEMICAL TEST — DRIVER'S LICENSE SUSPENSION

	Zero Tolerance	DUI (regardless of age)
First offense:	3 months	6 months
Second or subsequent offense:	12 months	12 months (If within 5 years)

## ADMINISTRATIVE PENALTIES

**Suspension** — 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.

**Revocation** — Loss of driving privileges with no guarantee of reinstatement. At the end of a revocation period, a driver may apply for a reinstatement hearing. Based on the information submitted and the driver's past driving history, a decision will be entered as to whether driving privileges should be reinstated.

**BAIID** — Qualified first-time DUI offenders eligible for driving relief during the period of Statutory Summary Suspension must have a Breath Alcohol Ignition Interlock Device (BAIID) installed in their vehicle(s). Some repeat DUI offenders are also required to drive with a BAIID before they are eligible for reinstatement of their license.

**Vehicle Impoundment/Seizure** — Drivers may have their vehicle impounded or seized for DUI or other alcohol-related offenses. Local home rules may have unique provisions for vehicle impoundment and/or seizure.

## DUI PENALTIES\*

Conviction	Imprisonment	Fine	Driving Revocation Period
First conviction: (Misdemeanor)	Up to 1 year	\$2,500	1-year minimum revocation 2-year minimum revocation (Under 21)
Second conviction: (Misdemeanor)	Up to 1 year	\$5,000	5-year minimum revocation
Third conviction:	Possible 3-7 years	\$25,000	10-year minimum revocation
Fourth conviction:	Possible 3-7 years	\$25,000	Lifetime revocation

\* In addition to these penalties, a DUI conviction may result in the suspension of vehicle license plates, high insurance costs, mandatory alcohol evaluation and treatment, and court/attorney fees.