

# DRIVE SOBER OR GET PULLED OVER

Partnership for Drug  
Free Communities



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# 2018 Illinois DUI Facts

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- 291 people were killed in alcohol-related crashes, which was approximately 28 percent of the 1,035 total crash fatalities.
- 26,386 DUI arrests were recorded by the Secretary of State's office.
- 90 percent of all drivers arrested for DUI, who were eligible, lost their driving privileges.
- 363 drivers under age 21 lost their driving privileges due to Zero Tolerance law violations.
- 26 percent of those arrested for DUI were women, who represented 50 percent of all licensed drivers.
- Males ages 21-24 had the highest DUI arrest rate (about 9 per 1,000 licensed drivers).
- 86 percent of all drivers arrested for DUI are first offenders.

The average DUI offender is:

- male (74 percent arrested are men);
- age 34 (52 percent are under age 35);
- arrested between 11 p.m. and 4 a.m. on a weekend; and
- caught driving with a BAC of .16 — twice the illegal limit.

— *Office of the Illinois Secretary of State*

FACT

An average of one alcohol-impaired driving fatality occurs every 51 minutes.

— *National Highway Traffic Safety Administration*

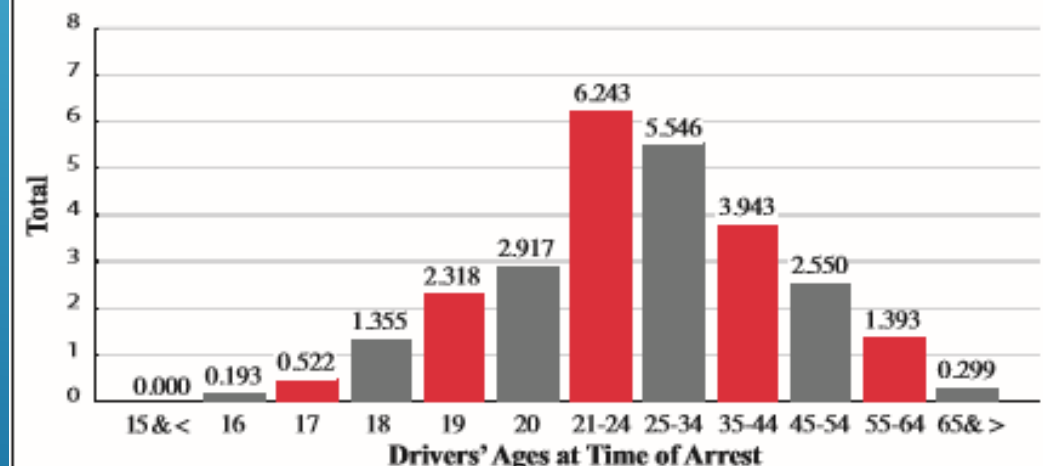
FACT

The rate of alcohol impairment among drivers involved in fatal crashes is 3.5 times higher at night than during the day.

— *National Highway Traffic Safety Administration*

FACT

2018 Illinois DUI Arrest Rate



Number of Arrests per 1,000 Licensed Drivers per Age Group

# Number of DUIs Charged in Madison County

<u>Year</u>	<u>Number of DUIs charged</u>
<b>2007</b>	<b>1689</b>
<b>2008</b>	<b>1797 (highest)</b>
<b>2009</b>	<b>1658</b>
<b>2010</b>	<b>1377</b>
<b>2011</b>	<b>1161</b>
<b>2012</b>	<b>1198</b>
<b>2013</b>	<b>970</b>

# Number of DUIs Charged in Madison County

<u>Year</u>	<u>Number of DUIs charged</u>
<b>2014</b>	<b>875</b>
<b>2015</b>	<b>903</b>
<b>2016</b>	<b>912</b>
<b>2017</b>	<b>882</b>
<b>2018</b>	<b>873 (lowest)</b>
<b>2019</b>	<b>898</b>

# **625 ILCS 5/11-501**

**(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, other bodily substance, or breath is 0.08 or more;**

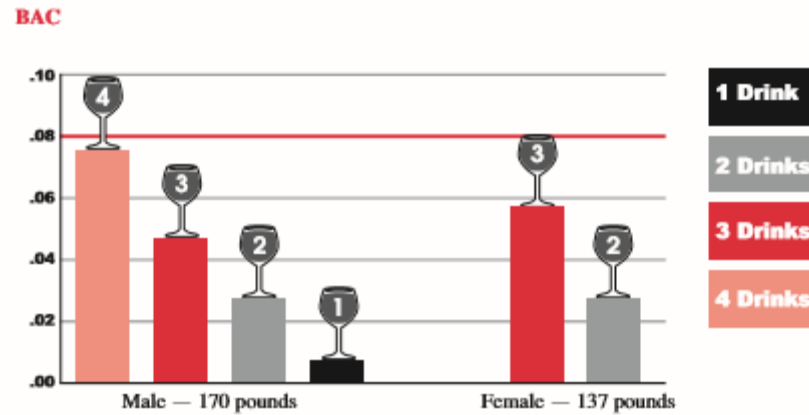
**(2) Under the influence of alcohol;**

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## Illegal BAC Limits in Illinois

Drivers under age 21 .....	.00
School bus drivers .....	.00
Commercial driver's license holders .....	.04
Drivers age 21 and over .....	.08

### Number of drinks and approximate BAC level in ONE HOUR of drinking



### 1 drink = .54 ounces of pure alcohol\*

All contain an equivalent amount of alcohol

{  
1 can of beer  
1 glass of wine  
1 shot of liquor

\* The amount of alcohol in a poured/mixed drink is dependent on the type of drink and the person who pours it.

## **625 ILCS 5/11-501 (continued)**

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

**(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 driving safely;**

## **625 ILCS 5/11-501 (continued)**

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

**(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 driving safely;**

**(6) There is any amount of drug, substance, or compound in the person's breath, blood, other bodily substance, or urine resulting from the unlawful use or consumption of a controlled substance, an intoxicating compound, or methamphetamine**


## **625 ILCS 5/11-501 (continued)**

**(7) The person has, within 2 hours of driving or being in actual physical control of a vehicle,**

**a tetrahydrocannabinol concentration in the person's whole blood or other bodily substance as defined in paragraph 6 of subsection (a) of Section 11-501.2 of this Code. Subject to all other requirements and provisions under this Section, this paragraph (7) does not apply to the lawful consumption of cannabis by a qualifying patient licensed under the Compassionate Use of Medical Cannabis Pilot Program Act who is in possession of a valid registry card issued under that Act, unless that person is impaired by the use of cannabis.**

## **625 ILCS 5/11-501 (continued)**


**(b) The fact that any person charged with violating this Section is or has been legally entitled to use alcohol, cannabis under the Compassionate Use of Medical Cannabis Pilot Program Act, other drug or drugs, or intoxicating compound or compounds, or any combination thereof, shall not constitute a defense against any charge of violating this Section.**

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# CHRONOLOGY OF A DUI TRAFFIC ARREST

- Initial Contact with Driver
- Officer develops Reasonable Suspicion to believe the driver is under the influence
- Standardized Field Sobriety Tests
- Probable Cause determination/Arrest
- Chemical Tests
- Offender is given a citation and Criminal Court proceedings are initiated
- Offender is reported to the Secretary of State and license suspension/revocation proceedings are initiated

# CHRONOLOGY OF A DUI TRAFFIC ARREST

- Initial Contact: Officer makes contact with the driver of a motor vehicle
    - Traffic stop based on reasonable suspicion a traffic violation has occurred
    - Traffic Crash
    - Roadside Safety Checkpoint
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- Several white lines of varying lengths and slopes are positioned in the bottom right corner of the slide, creating a modern, abstract graphic element.

# CHRONOLOGY OF A DUI TRAFFIC ARREST

- Officer develops reasonable suspicion that the person is under the influence of alcohol, cannabis, drugs or illegal substances:
  - Based on observations at the scene, odor, etc.
  - The Driver is asked to complete a series of standardized Field Sobriety Tests as set forth by the National Highway Traffic Safety Administration (NHTSA)
    - Horizontal Gaze Nystagmus
    - One Leg Stand
    - Walk and Turn
    - Portable Breath Test

## I. HORIZONTAL GAZE NYSTAGMUS

1. \_\_\_\_ Have subject remove glasses if worn.
2. \_\_\_\_ Stimulus held in proper position (approximately 12"-15" from nose, just slightly above eye level.
3. \_\_\_\_ Check for equal pupil size and resting nystagmus.
4. \_\_\_\_ Check for equal tracking.
5. \_\_\_\_ Smooth movement from center of nose to maximum deviation in approximately 2 seconds and then back across subject's face to maximum deviation in right eye, then back to center. Check left eye, then right eye. (Repeat)
6. \_\_\_\_ Eye held at maximum deviation for a minimum of 4 seconds (no white showing). Check left eye, then right eye. (Repeat)
7. \_\_\_\_ Eye moved slowly (approximately 4 seconds) from center to 45 angle. Check left eye, then right eye. (Repeat)
8. \_\_\_\_ Check for Vertical Gaze Nystagmus. (Repeat)

### III. ONE LEG STAND

1. \_\_\_\_ Instructions given from a safe position.
2. \_\_\_\_ Tells subject to stand straight, place feet together, and hold arms at sides.
3. \_\_\_\_ Tells subject not to begin test until instructed to do so and asked if subject understands.
4. \_\_\_\_ Tells subject to raise one leg, either leg, approximately 6" from the ground, keeping raised foot parallel to the ground, and gives demonstration.
5. \_\_\_\_ Tells subject to keep both legs straight and to look at elevated foot.
6. \_\_\_\_ Tells subject to count out loud in the following manner: one thousand one, one thousand two, one thousand three, and so on until told to stop, and gives demonstration.
7. \_\_\_\_ Checks actual time subject holds leg up. (Time for 30 seconds.)

## **II. WALK AND TURN**

- 1. \_\_\_\_ Instructions given from a safe position.**
- 2. \_\_\_\_ Tells subject to place feet on a line in heel-to-toe manner (left foot behind right foot) with arms at sides and gives demonstration.**
- 3. \_\_\_\_ Tells subject not to begin test until instructed to do so and asks if subject understands.**
- 4. \_\_\_\_ Tells subject to take nine heel-to-toe steps on the line and demonstrates.**
- 5. \_\_\_\_ Explains and demonstrates turning procedure.**
- 6. \_\_\_\_ Tells subject to return on the line taking nine heel-to-toe steps.**
- 7. \_\_\_\_ Tells subject to count steps out loud.**
- 8. \_\_\_\_ Tells subject to look at feet while walking.**
- 9. \_\_\_\_ Tells subject not to raise arms from sides.**
- 10. \_\_\_\_ Tells subject not to stop once they begin.**
- 11. \_\_\_\_ Asks subject if all instructions are understood.**

# FIELD NOTE-TAKING GUIDE

I. NAME \_\_\_\_\_ SEX \_\_\_\_\_ RACE \_\_\_\_\_  
 ADDRESS \_\_\_\_\_ CITY/STATE \_\_\_\_\_ OP. LIC. NO. \_\_\_\_\_  
 D.O.B. \_\_\_\_/\_\_\_\_/\_\_\_\_ SOC. SEC. # \_\_\_\_\_  
 VEHICLE MAKE \_\_\_\_\_ YEAR \_\_\_\_\_ LIC. \_\_\_\_\_ STATE \_\_\_\_\_  
 DISPOSITION \_\_\_\_\_ NO. PASSENGERS \_\_\_\_\_  
 INCIDENT LOCATION \_\_\_\_\_  
 DATE \_\_\_\_/\_\_\_\_/\_\_\_\_ TIME \_\_\_\_\_ CRASH YES ☐ NO ☐

## II. VEHICLE IN MOTION

INITIAL OBSERVATIONS \_\_\_\_\_  
 OBSERVATION OF STOP \_\_\_\_\_

## III. PERSONAL CONTACT

OBSERVATION OF DRIVER \_\_\_\_\_  
 STATEMENTS \_\_\_\_\_  
 PRE-EXIT SOBRIETY TESTS \_\_\_\_\_  
 OBSERVATION OF THE EXIT \_\_\_\_\_  
 ODORS \_\_\_\_\_

## GENERAL OBSERVATIONS

SPEECH \_\_\_\_\_  
 ATTITUDE \_\_\_\_\_  
 CLOTHING \_\_\_\_\_  
 PHYSICAL DEFECTS/DRUGS OR MEDICATIONS USED \_\_\_\_\_

## IV. PRE-ARREST SCREENING

### HORIZONTAL GAZE NYSTAGMUS

Equal Pupils ☐ Yes ☐ No ☒ LACK OF SMOOTH PURSUIT  
 Equal Tracking ☐ Yes ☐ No ☒ DISTINCT AND SUSTAINED NYSTAGMUS AT MAX DEV  
 Vertical Nystagmus ☐ Yes ☐ No ☒ ONSET OF NYSTAGMUS PRIOR TO 45 DEGREES  
 Other (i.e., Resting Nystagmus) \_\_\_\_\_

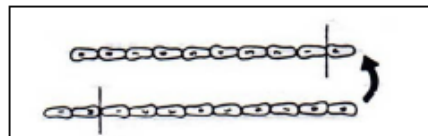
LEFT	RIGHT

### WALK AND TURN

#### INSTRUCTION STAGE

CANNOT KEEP BALANCE ☐

STARTS TOO SOON ☐



#### WALKING STAGE

STOPS WALKING

MISSES HEEL-TO-TOE

STEPS OFF LINE

USES ARMS FOR BALANCE

ACTUAL STEPS TAKEN

#### FIRST NINE STEPS

#### SECOND NINE STEPS

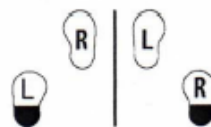
IMPROPER TURN (Describe) \_\_\_\_\_

CANNOT DO TEST (EXPLAIN) \_\_\_\_\_

OTHER: \_\_\_\_\_

### ONE LEG STAND

L	R	
<input type="checkbox"/>	<input type="checkbox"/>	Sways while balancing
<input type="checkbox"/>	<input type="checkbox"/>	Uses arms to balance
<input type="checkbox"/>	<input type="checkbox"/>	Hopping
<input type="checkbox"/>	<input type="checkbox"/>	Puts foot down



Type of Footwear \_\_\_\_\_

OTHER: \_\_\_\_\_

### OTHER FIELD SOBRIETY TESTS

NAME OF TEST \_\_\_\_\_

DESCRIBE PERFORMANCE \_\_\_\_\_

NAME OF TEST \_\_\_\_\_

DESCRIBE PERFORMANCE \_\_\_\_\_

NAME OF TEST \_\_\_\_\_

DESCRIBE PERFORMANCE \_\_\_\_\_

PBT (1) (optional) Time: \_\_\_\_\_ Results: \_\_\_\_\_

PBT (2) (optional) Time: \_\_\_\_\_ Results: \_\_\_\_\_

# **DWI Detection and Standardized Field Sobriety Testing (SFST) – Participant Manual**

**(February 2018)**

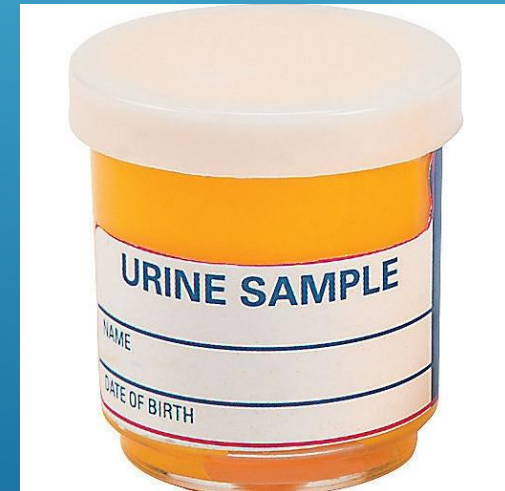
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articipant\\_manual\\_2018.pdf](https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/sfst_full_participant_manual_2018.pdf)

# ADVANCED NHTSA CERTIFICATIONS FOR DUI DETECTION

- Advanced Roadside Impaired Driving Enforcement (ARIDE)
  - Drug Recognition Expert (DRE)
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- Several white lines of varying lengths and slopes are positioned in the bottom right corner of the slide, creating a modern, abstract graphic element.

# CHRONOLOGY OF A DUI TRAFFIC ARREST

- If after the initial contact and (if performed) the offender's performance on the Standardized Field Sobriety Tests the officer has probable cause to believe the offender has committed the offense of Driving Under the Influence (625 ILCS 5/11-501), the offender is placed under arrest.
- The Officer is then required to request a chemical test from the offender.



# CHEMICAL TESTING

## **The Officer chooses the test (625 ILCS 5/11-501.1)**

(a) If a law enforcement officer has probable cause to believe the person was under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof, the law enforcement officer shall request a chemical test or tests which shall be administered at the direction of the arresting officer.

The law enforcement agency employing the officer shall designate which of the aforesaid tests shall be administered. A urine test may be administered even after a blood or breath test or both has been administered.

(c) A person requested to submit to a test as provided above shall be warned by the law enforcement officer of consequences to license (WTM)

## WARNING TO MOTORIST

Case Number \_\_\_\_\_

DUI TRAFFIC CITATION NO. (I-981A)

DUI TRAFFIC CITATION NO. (I-981A2)

I-981 Citation No.

DUI TRAFFIC CITATION NO. (OTHER)

Subsequent to an arrest for driving while under the influence of alcohol, other drug(s) or intoxicating compound(s), or any combination thereof (DUI), or Section 11-401 - leaving the scene of a fatal or personal injury accident, you are hereby notified that:

As provided in Section 11-500 of the Illinois Vehicle Code, you are a first offender unless within the last 5 years of this arrest for DUI or leaving the scene you have had:

- A previous conviction or court-ordered supervision for DUI or a similar provision of a local ordinance; or
- A conviction in any other state for DUI or a similar offense where the cause of action is the same or substantially similar to the Illinois Vehicle Code; or
- A driver's license suspension/revocation for violating Section 11-501.3 of the Illinois Vehicle Code, except in cases where you submitted to a chemical test(s) disclosing an alcohol concentration of .08 or more or any amount of a drug, substance or intoxicating compound resulting from the unlawful use or consumption of cannabis as listed in the Cannabis Control Act (for a DUI arrest prior to 07-29-2016 or a delta-9-tetrahydrocannabinol concentration of either 5 nanograms or more of whole blood or 10 nanograms or more of other bodily substance for a DUI arrest on or after 07-29-2016); a controlled substance as listed in the Illinois Controlled Substances Act; an intoxicating compound as listed in the Use of Intoxicating Compounds Act; or methamphetamine as listed in the Methamphetamine Control and Community Protection Act, and were subsequently found not guilty of the associated DUI charge.

Considering the above, you are warned:

1. If you refuse or fail to complete all chemical tests requested and:

- If you are a first offender, your driving privileges will be suspended for a minimum of 12 months; **or**
- If you are not a first offender, your driving privileges will be suspended for a minimum of 3 years; **or**
- If you were involved in a motor vehicle accident that caused personal injury or death to another, your driving privileges will be revoked for a minimum of 12 months. Personal injury means a Type A injury that requires immediate professional attention in a doctor's office or medical facility, including severely bleeding wounds, distorted extremities, and injuries that require the injured party to be carried from the scene.

2. If you submit to a chemical test(s) disclosing an alcohol concentration of .08 or more, a delta-9-tetrahydrocannabinol concentration of either 5 nanograms or more of whole blood or 10 nanograms or more of other bodily substance or any amount of a controlled substance as listed in the Illinois Controlled Substances Act; an intoxicating compound as listed in the Use of Intoxicating Compounds Act; or methamphetamine as listed in the Methamphetamine Control and Community Protection Act; and

- If you are a first offender, your driving privileges will be suspended for a minimum of 6 months; **or**
- If you are not a first offender, your driving privileges will be suspended for a minimum of 1 year.

You are further warned that if you are a Commercial Driver's License (CDL) holder, your CDL privileges will be disqualified for the following time period if you refuse to submit to or fail to complete all chemical tests requested, or submit to a chemical test(s) disclosing an alcohol concentration of .08 or more or any amount of a drug, substance or intoxicating compound resulting from the unlawful use or consumption of cannabis as listed in the Cannabis Control Act; a controlled substance as listed in the Illinois Controlled Substances Act; an intoxicating compound as listed in the Use of Intoxicating Compounds Act; or methamphetamine as listed in the Methamphetamine Control and Community Protection Act:

- If you have not had a prior 12-month disqualification of your CDL privileges, your CDL privileges will be disqualified for 12 months.
- If you have had a prior 12-month disqualification of your CDL privileges, your CDL privileges will be disqualified for life.

### MOTORIST UNDER AGE 21

You are further warned that as a motorist under age 21, if you submit to a chemical test(s) disclosing an alcohol concentration of more than .00 and less than .08, your driving privileges will be suspended as provided in Sections 6-208.2 and 11-501.8 of the Illinois Vehicle Code.

As provided in Section 6-208.2, you are a first offender unless you have had a previous suspension under Section 11-501.8 for refusing or failing to complete a chemical test(s) or for submitting to a chemical test(s) disclosing an alcohol concentration of more than .00.

- If you are a first offender, your driving privileges will be suspended for a minimum of 3 months; **or**
- If you are not a first offender, your driving privileges will be suspended for a minimum of 1 year.

### SCHOOL BUS DRIVER

You are further warned that as a school bus driver operating a school bus in accordance with Section 6-106.1a of the Illinois Vehicle Code, if you submit to a chemical test(s) disclosing an alcohol concentration of more than .00, your privilege to possess a school bus driver permit will be cancelled for 3 years as provided under Sections 6-106.1a and 6-106.1b of the Illinois Vehicle Code.

Warning Issued To \_\_\_\_\_

Name of Motorist

Driver's License Number

I (motorist) acknowledge receipt of this warning to motorists.

Signature of Motorist

Under penalties as provided by law pursuant to Section 1-109 of the Illinois Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct.

Signature of Arresting Officer

ID Number

Law Enforcement Agency

8/18

Date of Warning

Time of Warning

8/18

## Failing Chemical Testing

- **First offense** — Suspension of driving privileges for six months (eligible for a Monitoring Device Driving Permit).\*
- **Second or subsequent offense within five years** — Suspension of driving privileges for one year.

## Refusing to Submit to Chemical Testing

- **First offense** — Suspension of driving privileges for 12 months (eligible for a Monitoring Device Driving Permit).\*
- **Second or subsequent offense within five years** — Suspension of driving privileges for three years.

*\*A DUI offender who is eligible for driving relief and issued a Monitoring Device Driving Permit (MDDP) must operate only vehicles installed with a Breath Alcohol Ignition Interlock Device (BAIID), unless exempted by employment. The offender is subject to all MDDP rules and BAIID fees. For more information, see page 16.*

# CHEMICAL TESTING


## **Implied Consent (625 ILCS 5/11-501.1)**

(a) Any person who drives or is in actual physical control of a motor vehicle upon the public highways of this State shall be deemed to have given consent, subject to the provisions of Section 11-501.2, to a chemical test or tests of blood, breath, or urine for the purpose of determining the content of alcohol, other drug or drugs, or intoxicating compound or compounds or any combination thereof in the person's blood if arrested, as evidenced by the issuance of a Uniform Traffic Ticket, for any offense as defined in Section 11-501 or a similar provision of a local ordinance, or if arrested for violating Section 11-401.

# CHEMICAL TESTING

## **Implied Consent (625 ILCS 5/11-501.1)**

(b) Any person who is dead, unconscious, or who is otherwise in a condition rendering the person incapable of refusal, shall be deemed not to have withdrawn the consent provided by paragraph (a) of this Section and the test or tests may be administered, subject to the provisions of Section 11-501.2.

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## LAW ENFORCEMENT SWORN REPORT

Circuit Court, \_\_\_\_\_ County, \_\_\_\_\_ Municipal District

Case Number \_\_\_\_\_

DUI TRAFFIC CITATION NO. (11-581A1)

DUI TRAFFIC CITATION NO. (11-581A2)

11-401 Citation No.

DUI TRAFFIC CITATION NO. (OTHER)

Name \_\_\_\_\_  
Last First Middle☐ **CDL holder**

Driver's License Number												State

Street Address \_\_\_\_\_

City and/or County of Arrest \_\_\_\_\_

City &amp; State \_\_\_\_\_

Arrest Date \_\_\_\_\_ a.m. p.m.  
Month Day Year Time

Sex \_\_\_\_\_

Date of Birth \_\_\_\_\_

Place of Refusal or Location of Test(s) \_\_\_\_\_

Notice of Summary Suspension/  
Revocation Given On \_\_\_\_\_

Month Day Year

Refusal or Test Date \_\_\_\_\_ a.m. p.m.  
Month Day Year Time

The suspension/revocation shall take effect on the 46th day following issuance of this notice. Subsequent to an arrest for violating Section 11-581 of the Illinois Vehicle Code, or similar provision of a local ordinance or Section 11-401 of the Illinois Vehicle Code, you are hereby notified that on the date shown above, you were asked to submit to a chemical test(s) to determine the alcohol, other drug(s), intoxicating compound(s), or any combination thereof, content of your breath, blood, urine or other bodily substance and warned of the consequences pursuant to Section 11-501.1 of the Illinois Vehicle Code. You have the right to a hearing to contest your suspension/revocation. You must file a petition to rescind your suspension/revocation within 90 days of this notice.

- ☐ Because you refused to submit to or failed to complete testing, your driving privileges will be suspended for a minimum of 12 months.<sup>3</sup>
- ☐ Because you submitted to testing conducted pursuant to Section 11-501.2, which disclosed:
- ☐ an alcohol concentration of \_\_\_\_\_, which is .08 or more; or ☐ a delta-9-tetrahydrocannabinol concentration of either 5 nanograms or more of whole blood or 10 nanograms or more of other bodily substance
  - ☐ any amount of a drug, substance or intoxicating compound resulting from the unlawful use or consumption of a controlled substance as listed in the Illinois Controlled Substances Act; an intoxicating compound as listed in the Use of Intoxicating Compounds Act; or methamphetamine as listed in the Methamphetamine Control and Community Protection Act; your driving privileges will be suspended for a minimum of 6 months.<sup>4</sup>
- ☐ Because you refused to submit to or failed to complete testing and you were involved in a motor vehicle crash that caused Type A personal injury or death to another, your driving privileges will be revoked for a minimum of 12 months.
- ☐ Because you are a CDL holder and you submitted to testing conducted pursuant to 11-501.2 which disclosed any amount of a drug, substance or compound resulting from the unlawful use or consumption of cannabis as covered by the Cannabis Control Act your CDL privileges will be disqualified for a minimum of 12 months.

Driver's license surrendered? ☐ Yes ☐ No; Reason: \_\_\_\_\_

Driver's license valid at time of arrest? ☐ Yes (Sign receipt) ☐ No (Void receipt)

I have complied with Section 11-501.1 of the Illinois Vehicle Code by having reasonable grounds to believe the arrestee was in violation of Section 11-501 or a similar provision of a local ordinance, or Section 11-401: (Explain)

Pursuant to Section 11-501.1 of the Illinois Vehicle Code I have:

- ☐ Served immediate Notice of Summary Suspension/Revocation of driving privileges on the above-named person.
- ☐ Given Notice of Summary Suspension/Revocation of driving privileges to the above-named person by depositing in the U.S. mail said notice in a prepaid postage envelope addressed to said person at the address as shown on the Uniform Traffic Ticket.

Under penalties as provided by law pursuant to Section 1-109 of the Illinois Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct.

Signature of Arresting Officer \_\_\_\_\_

ID Number \_\_\_\_\_

Law Enforcement Agency \_\_\_\_\_

Date \_\_\_\_\_  
Month Day Year

# CHEMICAL TESTING

## **When the DUI offender has left the State for medical treatment (625 ILCS 5/11-501.1)**

For purposes of this Section, an Illinois law enforcement officer of this State who is investigating the person for any offense defined in Section 11-501 may travel into an adjoining state, where the person has been transported for medical care, to complete an investigation and to request that the person submit to the test or tests set forth in this Section. The requirements of this Section that the person be arrested are inapplicable, but the officer shall issue the person a Uniform Traffic Ticket for an offense as defined in Section 11-501 or a similar provision of a local ordinance prior to requesting that the person submit to the test or tests. The issuance of the Uniform Traffic Ticket shall not constitute an arrest, but shall be for the purpose of notifying the person that he or she is subject to the provisions of this Section and of the officer's belief of the existence of probable cause to arrest. Upon returning to this State, the officer shall file the Uniform Traffic Ticket with the Circuit Clerk of the county where the offense was committed, and shall seek the issuance of an arrest warrant or a summons for the person.

# CHEMICAL TESTING

## **Blood/Urine taken by Hospital Emergency Room Staff (625 ILCS 5/11-501.4)**

- Results *shall* be admissible if:
  1. The chemical test was ordered in the course of rendering emergency medical treatment (not at request of officer)
  2. The chemical test was done at the hospital's own lab

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# Reporting of Injured Impaired Drivers

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Illinois law requires emergency medical personnel to report to law enforcement agencies, if requested, the results of blood or urine tests performed to determine the content of alcohol and/or drugs of an individual receiving emergency medical treatment as the result of a motor vehicle crash. This law has proven to be an important tool in the fight against drunk driving.

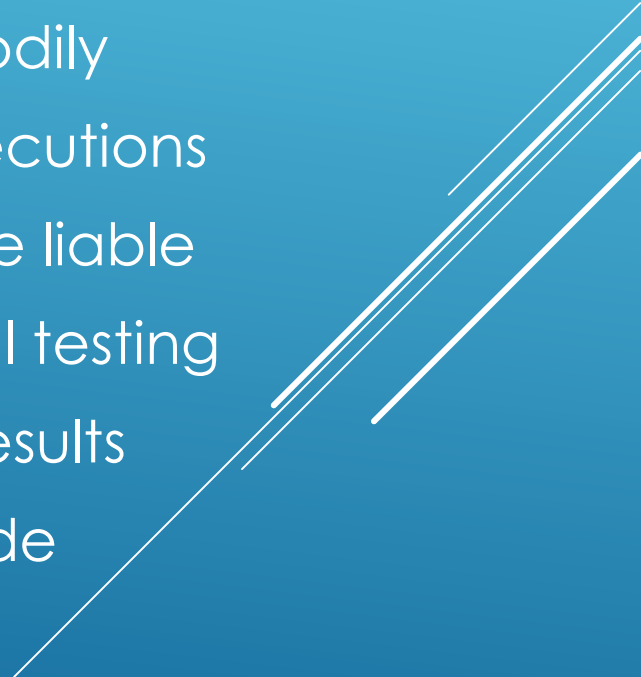
Emergency room physicians and nurses are in a unique position to identify injured impaired drivers because of their access to hospital test results. By bringing the injured impaired driver to the attention of law enforcement, these medical professionals increase the likelihood that the driver will receive alcohol and/or drug evaluations and treatment because of legal or administrative requirements.

Under the law, the reporting of test result information does not violate physician-patient confidentiality. In addition, no one will be held liable for civil damages or receive professional discipline for making a report.

# CHEMICAL TESTING

## **Blood/Urine taken by Hospital Emergency Room Staff (625 ILCS 5/11-501.4)**

(b) The confidentiality provisions of law pertaining to medical records and medical treatment shall not be applicable with regard to chemical tests performed upon an individual's blood, other bodily substance, or urine under the provisions of this Section in prosecutions as specified in subsection (a) of this Section. No person shall be liable for civil damages as a result of the evidentiary use of chemical testing of an individual's blood, other bodily substance, or urine test results under this Section, or as a result of that person's testimony made available under this Section.

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# CHEMICAL TESTING

## **Blood/Urine taken by Hospital Emergency Room Staff (625 ILCS 5/11-501.4)**

### Summary:

1. Officers shall request a blood draw if they have probable cause to believe DUI has occurred per statute.
2. Hospital staff are required by Illinois law to facilitate the blood draw after a request from the arresting officer is made.
3. If the Defendant actively refuses (not just unconscious), then that officer will get a search warrant with judicial authorization.
4. If an officer has a search warrant, the offender will now be facing contempt for failure to comply (in addition to the statutory DUI penalties).

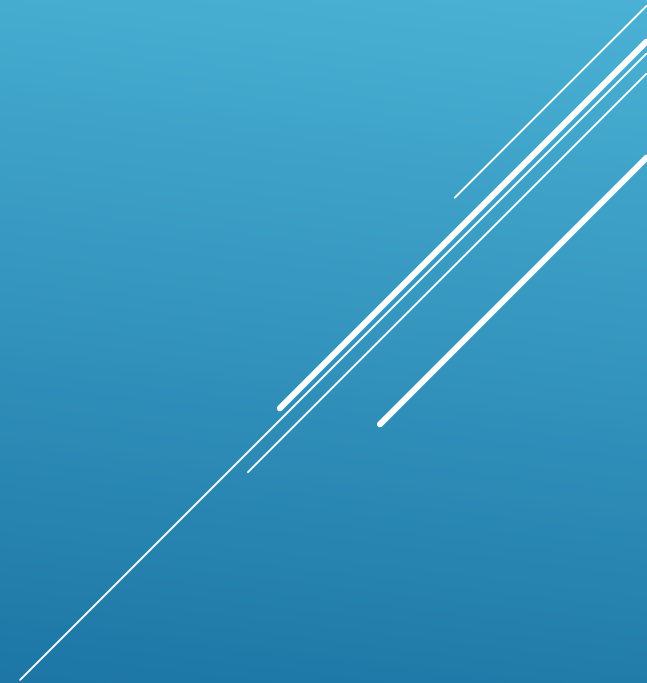
# CHEMICAL TESTING

## **Blood/Urine taken by Hospital Emergency Room Staff (625 ILCS 5/11-501.4)**

### Summary:

1. Hospital staff cannot be held civilly liable for assisting the police officer.
2. It is not a violation of HIPPA for the hospital staff to give toxicology information to an arresting officer.

# DUI LAWS AND CANNABIS



# DUI LAWS AND CANNABIS

It is still unlawful to operate a motor vehicle under the influence of cannabis (medical cannabis or recreational)



# DUI LAWS AND CANNABIS

- A driver may not operate a motor vehicle while impaired by the use of cannabis
- A driver must transport cannabis in an odor-proof and child resistant container.
- No driver or passenger may use cannabis in a motor vehicle.



# DUI LAWS AND CANNABIS

## Pharmacology of Cannabis

Delta-9 THC is what makes people high - It's the principal psychoactive component of cannabis

Active metabolite is 11-hydroxy-delta9-tetrahydrocannabinol

If someone has a high level of carboxy, he/she is a chronic user

Concentration - the amount of drug

Binding Affinity aka "potency" – the ability of a drug to bind to its biological target (strength of the drug)

Measured in nanomolars

The smaller the # of nanomolar, the more potent the drug is

Synthetics are extremely potent

If you want the most comprehensive testing re synthetics, send to National Medical Services Lab in Pennsylvania

# DUI LAWS AND CANNABIS

## Alcohol v. Cannabis

Alcohol likes water, so it stays in the blood. THC likes fat, however, so it goes to places like the brain → Impairment

However, this is hard because we can't really measure

Blood results can show that delta-9 THC and 11 hydroxy THC are in defendant's blood *at the time of the draw*

With cannabis, we can't retrograde like we can with alcohol

While blood might not show the #, defendant could still be showing symptoms

Chronic frequent users might have a high tolerance, but they can still have motor impairment

# DUI LAWS AND CANNABIS

## **Physical Factors**

Pupil dilation alone is driving under the influence

Example: If police light defendant up and he starts swerving or drives into a curb and he has enlarged pupils, that's compelling

Nervous system effects of THC may result in transient elevation of heart rate

Body temperature remains normal

Suspect's legs might be shaking ("tremors") - Actively metabolizing cannabis in his body

# DUI LAWS AND CANNABIS

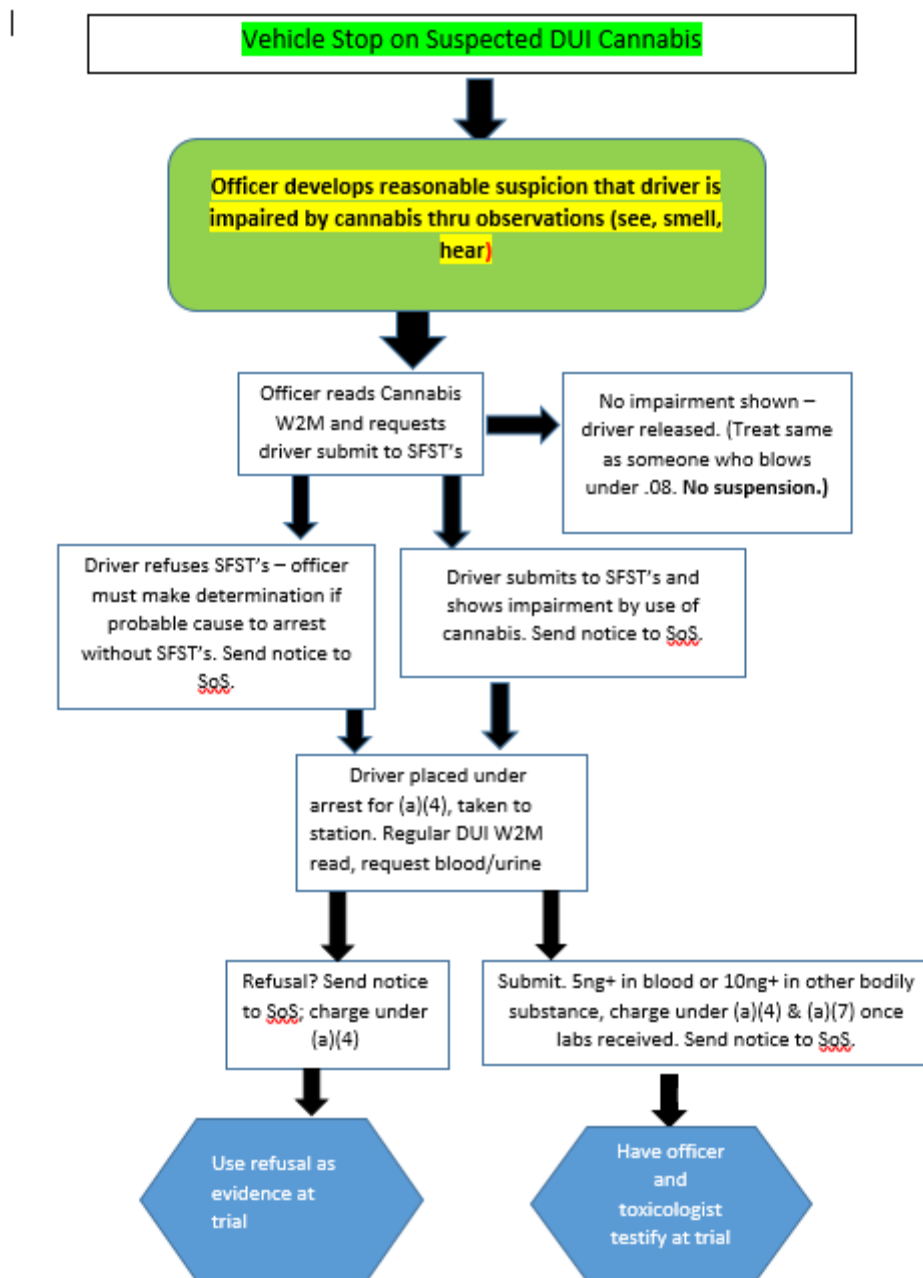
## **Cannabis and Driving**

Studies show that cannabis intoxication affects attentiveness, vigilance, perception of time and speed, use of acquired knowledge

Marijuana causes impairment in every performance area

Marijuana and alcohol, when used together, have additive or even multiplicative effects on impairment

A great question for police to ask when questioning a suspect regarding his/her intoxication level at the time of the stop/accident is: "On a scale from 1 to 10, 1 being not intoxicated and 10 being super intoxicated, what number were you at the time of the crash?" If they answer anything but 1, they've admitted to an intoxication level.



# MEDICAL MARIJUANA AND DUI

## **Medical Marijuana card holders have given Implied Consent to do SFSTs per 625 ILCS 5/11-501.9**

(a) A person who has been issued a registry identification card under the Compassionate Use of Medical Cannabis Pilot Program Act who drives or is in actual physical control of a motor vehicle upon the public highways of this State shall be deemed to have given consent to standardized field sobriety tests approved by the National Highway Traffic Safety Administration, under subsection (a-5) of Section 11-501.2 of this Code if detained by a LEO who has reasonable suspicion that the person is driving or is in actual physical control of a MV while impaired by the use of cannabis.

# MEDICAL MARIJUANA AND DUI

## **Medical Marijuana card holders have given Implied Consent to do SFSTs per 625 ILCS 5/11-501.9**

(c) A person requested to submit to field sobriety tests, as provided in this Section, shall be warned by the law enforcement officer requesting the field sobriety tests that a refusal to submit to the field sobriety tests will result in the suspension of the person's privilege to operate a motor vehicle, as provided in subsection (f) of this Section. The person shall also be warned by the law enforcement officer that if the person submits to field sobriety tests as provided in this Section which disclose the person is impaired by the use of cannabis, a suspension of the person's privilege to operate a motor vehicle, as provided in subsection (f) of this Section, will be imposed.

## MEDICAL CANNABIS WARNING TO MOTORIST

Case Number \_\_\_\_\_

As the holder of a registry identification card under the Compassionate Use of Medical Cannabis Pilot Program Act and because a law enforcement officer has reasonable suspicion to believe that you are driving or in actual physical control of a motor vehicle while impaired by the use of cannabis, you are hereby warned:

1. If you refuse or fail to complete standardized field sobriety test(s) your driving privileges will be suspended for 12 months; or
2. If you submit to standardized field sobriety test(s) that disclose impairment by the use of cannabis, your driving privileges will be suspended for six months.

Warning Issued To \_\_\_\_\_  
Name of Motorist Driver's License Number

Under penalties as provided by law pursuant to Section 1-109 of the Illinois Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct.

Signature of Arresting Officer \_\_\_\_\_ ID Number

Law Enforcement Agency \_\_\_\_\_ a.m.  
p.m.

Date of Warning \_\_\_\_\_ Time of Warning

# MEDICAL CANNABIS SWORN REPORT

Circuit Court, \_\_\_\_\_ County, \_\_\_\_\_ Municipal District

Case Number \_\_\_\_\_

TRAFFIC CITATION NO. \_\_\_\_\_

TRAFFIC CITATION NO. \_\_\_\_\_

Name \_\_\_\_\_  
Last First Middle

Driver's License Number												State	

Street Address \_\_\_\_\_

City & State \_\_\_\_\_

Sex \_\_\_\_\_ Date of Birth \_\_\_\_\_

Notice of Suspension Given On \_\_\_\_\_  
Month Day Year

City and/or County of Arrest \_\_\_\_\_

Arrest Date \_\_\_\_\_  
Month Day Year Time

Place of Refusal or Location of Test(s) \_\_\_\_\_

Refusal or Test Date \_\_\_\_\_  
Month Day Year Time

The suspension shall take effect on the 46th day following issuance of this notice. As a qualifying patient under the Compassionate Use of Medical Cannabis Pilot Program Act, who has been issued a registry card issued under that Act, you are hereby notified that on the date shown above, you were asked to submit to a standardized field sobriety test(s) to determine if you were impaired by the use of cannabis while driving or in actual physical control of a motor vehicle pursuant to Section 11-501.9 of the Illinois Vehicle Code. You have the right to a hearing to contest your suspension. You must file a petition to rescind your suspension within 90 days of this notice.

- ☐ For refusal or failure to complete field sobriety test(s), your driving privileges will be suspended for a minimum of 12 months.
- ☐ For submitting to a field sobriety test(s) that disclosed impairment by the use of cannabis, your driving privileges will be suspended for a minimum of six months.

Driver's license surrendered? ☐ Yes ☐ No; Reason: \_\_\_\_\_

Driver's license valid at time of arrest? ☐ Yes (Sign receipt) ☐ No (Void receipt)

I have complied with Section 11-501.9 of the Illinois Vehicle Code in that I had reasonable suspicion to believe that the above-named driver was impaired by the use of cannabis while driving or in actual physical control of a motor vehicle.

(Basis for Reasonable Suspicion) \_\_\_\_\_

Pursuant to Section 11-501.9 of the Illinois Vehicle Code I have:

- ☐ Served immediate Notice of Suspension of driving privileges on the above-named person.
- ☐ Given Notice of Suspension of driving privileges to the above-named person by depositing in the U.S. mail said notice in a prepaid postage envelope addressed to said person at the address as shown on the Uniform Traffic Ticket.

Under penalties as provided by law pursuant to Section 1-109 of the Illinois Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct.

Signature of Arresting Officer \_\_\_\_\_

ID Number \_\_\_\_\_

Law Enforcement Agency \_\_\_\_\_

Date \_\_\_\_\_  
Month Day Year

# MEDICAL MARIJUANA AND DUI

## **Medical Marijuana card holders have given Implied Consent to do SFSTs per 625 ILCS 5/11-501.9**

(e) If the person refuses field sobriety tests or submits to field sobriety tests that disclose the person is impaired by the use of cannabis, the law enforcement officer shall immediately submit a sworn report to the circuit court of venue and the Secretary of State certifying that testing was requested under this Section and that the person refused to submit to field sobriety tests or submitted to field sobriety tests that disclosed the person was impaired by the use of cannabis. The sworn report must include the law enforcement officer's factual basis for reasonable suspicion that the person was impaired by the use of cannabis.

# MEDICAL MARIJUANA AND DUI

**Medical Marijuana card holders have given Implied Consent to do SFSTs per 625 ILCS 5/11-501.9**

(f) Consequences:

Refusal = 12 month suspension of their license

Failing the SFSTS = 6 month suspension

(g) Can serve with immediate notice, or via certified US mail

(h) Takes effect on the 46<sup>th</sup> day after defendant is served

# DUI PENALTIES

**First Offense:** Generally Class A misdemeanor (unless special circumstances exist) where a one time disposition of court supervision is available.

**Second Offense:** Class A misdemeanor (unless special circumstances exist). Court supervision is not available.

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# DUI Penalty Chart

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## **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**

- Imprisonment of 6-30 years; fines of up to \$25,000.
-

# DUI PENALTIES: AGGRAVATED DUI

## **625 ILCS 5/11-501(d)(1)**

**(A) 3d or more *violation* (of IL DUI statute or similar provision of another jurisdiction)**

**Generally (absent some other aggravating factor)**

- **1st: Class A**
- **2d: Class A**
- **3d: Class 2 probationable/3-7 years**
- **4<sup>th</sup>: Class 2 non-probationable 3-7 years**
- **5<sup>th</sup>: Class 1 non-probationable 4-15 years**
- **6<sup>th</sup> or more: Class X 6-30 years**

# DUI PENALTIES: AGGRAVATED DUI

## 625 ILCS 5/11-501(d)(1)

**(B) DUI when driving a school bus with minors on board**

**(C) DUI and Accident with great bodily harm or permanent disability or disfigurement to *another* (NOTE: DUI violation must be the proximate cause of the injury)**

### **Sentencing**

- **Class 4 Felony**
- **Probationable/ 1-12 years**

# DUI PENALTIES: AGGRAVATED DUI

## 625 ILCS 5/11-501(d)(1)

**(D) DUI with previous conviction for a DUI related Reckless Homicide or (C) or (F) (Class 3)**

**(E) DUI in a school zone (when restricted speed of 20 mph is in effect) and accident proximately causes *bodily harm* to another occurs.**

# DUI PENALTIES: AGGRAVATED DUI

## **625 ILCS 5/11-501(d)(1)**

### **(F) DUI resulting in death**

#### **Sentencing**

- **Class 2 Felony**
- **Non-Probationable**
- **3 – 14 years (85%) if 1 person dies**
- **6 – 28 years (85%) if 2 or more persons die**

# DUI PENALTIES: AGGRAVATED DUI

## **625 ILCS 5/11-501(d)(1)**

**(G) DUI when revoked or suspended for DUI, SSS, Reckless Homicide or Accident that resulted in death/or personal injury (625 ILCS 5/11-401) (Class 4)**

**(H) DUI without a valid DL (or valid permit, JDP, RDP or MDDP) (Class 4)**

**(I) DUI while knowing they did not have liability insurance (Class 4)**

# DUI PENALTIES: AGGRAVATED DUI

## **625 ILCS 5/11-501(d)(1)**

**(J) DUI and Accident proximately causing in *bodily harm* to child under 16 being transported by the Defendant (Class 4)**

**(K) 2d DUI violation at a time when transporting a person under 16 (Class 2)**

**(L) DUI while transporting a passenger in a vehicle for hire (i.e. taxi, Uber, etc.) (Class 4)**

# DRIVING WHILE LICENSE SUSPENDED/REVOKED FOR DUI

## **625 ILCS 5/6-303**

- **1st: Class A**
- **2d: Class 4 Felony**
  - **Class 2 if the underlying DUI resulted in serious injury or death**
- **10<sup>th</sup> or more: Class 3 Felony (non-probationable)**
  - **Class 1 if the underlying DUI resulted in serious injury or death**
- **All classes result in further revocation of license**
- **May also result in forfeiture of the offender's vehicle**

# DUI SENTENCING

## 730 ILCS 5/5-5-3.2 (Factors in Aggravation)


**(20)** the defendant (i) committed the offense of reckless homicide under Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012 OR the offense of driving under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof under Sec. 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance and (ii) was operating a motor vehicle in excess of 20 miles per hour over the posted speed limit

**(21)** the defendant (i) committed the offense of reckless driving or aggravated reckless driving under Section 11-503 of the Illinois Vehicle Code and (ii) was operating a motor vehicle in excess of 20 miles per hour over the posted speed limit

# DUI SENTENCING

## **730 ILCS 5/5-5-3.2 (Factors in Aggravation)**

**(31) The Defendant (i) committed the offense of driving while under the influence in violation of 720 ILCS 5/11-501 and the defendant during the commission of the offense was driving his or her vehicle upon a roadway designated for one-way traffic in the opposite direction of the direction indicated by official traffic control devices.**

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## Average Cost of a DUI Conviction in Illinois

Item	Costs	Final Cost
<b>Insurance</b>	High-risk insurance. (Additional \$2,000 per year, required for three years.)	<b>\$6,000</b>
		<b>+</b>
<b>Legal Fees</b>	Uncontested plea and hardship driving permit.	<b>\$2,000*</b>
		<b>+</b>
<b>Court Costs</b>	Fine of up to \$2,500. Court costs — \$750. Reimbursements to law enforcement, towing and storage fees — \$250. Trauma Center Fund — \$100.	<b>\$3,600*</b>
		<b>+</b>
<b>Income Loss</b>	Loss of four weeks income due to jail or community service, evaluations and remedial education classes. (Loss based on average yearly income of \$55,000.)	<b>\$4,230</b>
		<b>+</b>
<b>Rehabilitation</b>	Remedial substance abuse class; counseling fees; evaluations for the courts and Secretary of State.	<b>\$300</b>
		<b>+</b>
<b>Driver's License Reinstatement</b>	\$500 plus \$30 for a new license; Formal hearing fee — \$50.	<b>\$580</b>
		<b>+</b>
<b>BAIID</b>	Installation — \$100; rental fee — \$80 per month/\$960 per year; monitoring fee — \$30 per month/\$360 per year.	<b>\$1,420</b>
		<b>+</b>
	<b>Total Average Cost</b>	<b>= \$18,130</b>

## Additional Costs Associated with a DUI

Medical treatment for a crash involving injuries or fatalities.	<b>\$100,000 +</b>
Compensatory damages awarded to crash survivors.	<b>\$10,000 +</b>
In-patient substance abuse programs.	<b>\$3,500 +</b>
Legal fees for jury trials and civil proceedings.	<b>\$5,000 +</b>

# Victims' Rights

Illinois recognizes DUI as a violent crime; therefore, victims of DUI are recognized as victims of violent crimes. Victims' rights are protected by statute and guaranteed by the Illinois Crime Victims' Rights Constitutional Amendment.

## Victims of DUI have the right to:

- Be treated with fairness and respected for their dignity and privacy and to be free from harassment, intimidation and abuse throughout the criminal justice process.
- A notice and to a hearing before a court ruling on a request to access any of their records, information or communications that are privileged or confidential by law.
- Be notified in a timely manner of all court proceedings.
- Communicate with the prosecution.
- Be heard at any post-arraignment court proceeding in which their right is at issue and any court proceeding involving a post-arraignment release decision, plea or sentencing.
- Be notified of the conviction, sentence, imprisonment and release of the accused.
- Timely disposition of the case following the arrest of the accused.
- Be reasonably protected from the accused through the criminal justice process.
- Be present at the trial and all the court proceedings on the same basis as the accused, unless they are to testify and the court determines that their testimony would be materially affected if they hear other testimony at the trial.
- Have present at all court proceedings, subject to the rules of evidence, an advocate and other support person of their choice.
- Restitution.

# DRIVING RELIEF THROUGH THE SECRETARY OF STATE

## Monitoring Device Driving Permit (MDDP)

- First Time DUI offender's are eligible
- Requires 30 day hard suspension
- After 30 days an offender can install a Breath Alcohol Ignition Interlock Device (BAID)
- Not eligible:
  - Commercial vehicles
  - If great bodily harm or death occurred during the DUI offense
  - If the offender has ever previously been convicted of a DUI related offense involving death to another
  - Minors under 18


## Restricted Driving Permit (RDP)

- The DUI offender must make a showing of hardship to the Secretary of State's Office
- SOS may order a BAID as a condition of the RDP

# UNDERAGE DRINKING

**Zero Tolerance:** If a BAC of more than .00 is detected for an underage driver, their driver's license will be suspended for 3 months (6 months if they refuse a breath/chemical test).

**If found guilty of DUI:** Driver's under the age of 21 face a minimum two-year driver's license revocation for a first DUI conviction and are not eligible for MDDP.

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# OTHER RESOURCES

**National Highway Traffic Safety Administration (NHTSA)**

**<https://www.nhtsa.gov>**

**Illinois Secretary of State DUI Fact Book (2020)**

**<https://www.cyberdriveillinois.com>**

# CONTACT INFORMATION

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