

## Commonly Asked Questions

**Can my DUI be expunged or sealed after I have pled guilty?**

No. Any DUI conviction or sentence of court supervision cannot be sealed or expunged, absent a pardon by the Governor which is incredibly and exceedingly rare.

**If I'm convicted, how long will I lose my license?**

A first DUI conviction will result in a revocation of your driving privileges for a minimum of 1 year (2 years if under the age of 21). Remember that a summary suspension is not the same as a revocation based on a conviction. While you will only be suspended for 6 months if you submit to chemical tests, if you are convicted of DUI, the minimum revocation period is at a minimum the same as the suspension period for refusing chemical testing.

**Should I participate in the field sobriety tests and chemical tests?**

By participating in any testing requested by police you are providing evidence against yourself. The police are building a case against you when they ask for this information and the testing results will likely aid the State's prosecution of you for DUI.

**My license is from out of state, can Illinois take away my driving privileges if I'm convicted of a DUI here?**

Yes. If you are convicted of a DUI in Illinois, your privilege to drive will be revoked by your home state. If you have an out of state driver's license, Illinois will create an Illinois record for you within its own motor vehicle department and will note that your driving privileges are revoked. If you are an Illinois resident and you are convicted of a DUI in another state, your Illinois driving privileges will be revoked by Illinois and the other state.

*Last Revised: June 2020*

## RESOURCES

**Illinois Secretary of State**  
cyberdriveillinois.com

**Champaign County Circuit Clerk**  
champaigncircuitclerk.org

**Student Legal Service** 217-333-9053  
odos.illinois.edu/sls

**ISBA Attorney Referral Site**  
illinoislawyerfinder.com

**The information contained herein is not intended as a substitute for legal advice.**

**Students who are confronted with legal problems or who need specific advice are encouraged to seek assistance from a licensed attorney at Student Legal Service.**

## I ILLINOIS

Student Legal Services  
STUDENT AFFAIRS

**324 Illini Union**  
**1401 W Green St, Urbana**  
Office: 8:30am-Noon, & 1-4:30pm, M-F  
**217-333-9053**

**odos.illinois.edu/sls**

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# I ILLINOIS

# DUI

## RISKS

and

# RAMIFICATIONS



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**studentlegalservice@illinois.edu**

## Driving Under the Influence (DUI)

A person cannot drive or be in actual physical control of a vehicle while:

- Under the influence of Alcohol such that mental or physical faculties are impaired as to reduce the ability to think and act with ordinary care;
- Under the influence of any intoxicating compound(s) to a degree that it causes unsafe driving;
- Under the influence of any drug(s) to a degree that it causes unsafe driving;
- Under the combined influence of alcohol, drugs, or intoxicating compounds to a degree that it causes unsafe driving;
- Having a alcohol concentration in the blood, breath or urine ("BAC") of .08 or higher;
- Having a concentration of 5ng THC in whole blood or 10ng THC in other bodily substances.
- Having any amount of a 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
  - Intoxicating compound
  - Methamphetamine

## Medical Cannabis

A medical cannabis card holder can operate a vehicle with a THC concentration higher than the amounts above, as long such concentrations do not impair their ability to drive. Failure to submit to chemical testing will result in the revocation of the medical cannabis card.

## Prescription Drugs

Having a drug prescription is not a defense to driving under the influence; however, the State must prove that the drug caused impairment rather than merely prove the presence in the body.

## Statutory Summary Suspension

If you are stopped by police and there is probable cause for DUI you can be asked to submit to chemical testing.

- Refusal will result in driving privileges being suspended for 1 year (3 years if second offense within 5 years)
- If chemical testing reveals .08 or greater blood alcohol concentration, 5ng/10ng THC, or any

amount of illegal drugs, your driving privileges will be suspended for 6 months (12 months if second offense within 5 years)

*\*This suspension is different from a revocation that occurs after a conviction*

## Penalties

A DUI violation will result in:

- A first offense is typically a Class A misdemeanor, maximum fine \$2,500, up to 364 days in jail.
- Obtain a DUI evaluation and perform the recommended treatment/education
- Attend a Victim Impact Panel
- If the BAC is .16 or higher- Minimum 100 hours community service and minimum \$500 fine. (if second offense, mandatory 2 days jail and minimum \$1,250 fine)
- If child under 16 was in vehicle- Possibility of up to 6 months in jail, Minimum 25 days community service, minimum \$1,000 fine.
- Second Violation- Mandatory 5 days jail and minimum 240 hours community service
- A third violation is a felony offense which includes the possibility of a prison sentence.
- Driving without insurance or with a suspended/revoked license is also a felony DUI offense.

## MDDP & BAID

If your license is suspended for failing chemical testing or refusing to submit to chemical testing and you are a first time offender you can qualify for a Monitored Device Driving Permit (MDDP), subject to some exclusions. In order to drive a vehicle with an MDDP you must have a Breath Alcohol Interlock Ignition Device (BAID) installed on the vehicle. Depending on the suspension period the costs for the MDDP and BAID range from \$700 to \$1,400.

## RDP & BAID

If you are not a first time offender, you are not eligible for an MDDP and must apply for a Restricted Driving Permit (RDP) and BAID. This process includes a formal hearing with the Secretary of State and requires proof of a hardship. You are not entitled to an RDP.

## Revocation of Driving License

If you are convicted of a DUI your driver's license will be revoked with no guarantee of reinstatement for the following time periods:

- First Conviction
  - 1 year revocation
  - 2 years if under 21
- Second Conviction within 20 years
  - 5 year revocation
- Third Conviction
  - 10 year revocation
- Fourth and Subsequent Convictions
  - Lifetime revocation

## Collateral Consequences of a DUI

- During the summary suspension period, you would have to pay over \$1,000.00 in fees to have a breath ignition control device installed and monitored if you are able to obtain a permit to drive.
- If you are convicted of a DUI, your car insurance rates are certain to increase substantially. You will be required to carry high risk insurance which costs an average of \$1,500.00 more per year than regular insurance. You will be required to carry such insurance for a minimum three years.
- The cost of a DUI can be staggering because you will be forced to pay high fines and high court fees, you will have to pay for reinstatement of your license and for alcohol evaluations and counseling. **Student Legal Service does not represent students in court for a DUI;** you may have to pay to retain an attorney.
- Over time, the average cost of a DUI is estimated to be at least \$14,660.00 according to the Illinois Secretary of State.
- Certain professions discriminate strongly against those who have received a DUI, including childhood education and aviation, to name just two.

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