

## **ARTICLE 34: DRIVING UNDER THE INFLUENCE OF ALCOHOL**

### **34.00 RESERVED**

*Gen. Order 08-16, eff. Sept. 17<sup>th</sup>, 2008*

### **34.01 APPLICABILITY**

(a) The provisions of this Article shall apply in all cases involving the operation of a motor vehicle under the influence of alcohol or other drug (DUI), whether the offense is charged under the Illinois Vehicle Code (625 ILCS 5/11-501 et seq.) or under a similar local ordinance. Where reasonable, these provisions shall be construed and applied in harmony with the provisions of Articles 30, 31, 32, 33, 35 and 36.

*Gen. Order 08-16, eff. Sept. 17<sup>th</sup>, 2008*

### **34.02 DEFINITIONS**

(a) “Judicial Driving Permit” (“JDP”) is a judicially authorized provision of limited driving privileges. A JDP may be issued in certain cases to alleviate unusual hardship resulting from the suspension of all driving privileges. (See 625 ILCS 5/6-206.1)

(b) “Summary Suspension” is a statutorily mandated suspension of all driving privileges. The summary suspension is one result of a DUI arrest. (See 625 ILCS 5/1-203.1, 5/2-118.1, 5/6-208.1, 5/11-501.1 and related provisions.)

*Gen. Order 08-16, eff. Sept. 17<sup>th</sup>, 2008*

### **34.03 DISTRIBUTION OF DUI EVALUATION REPORTS**

(a) In every case in which a professional evaluation is conducted, it shall be done in accordance with Sec. 5-4-1(a) of the Unified Code of Corrections (625 ILCS 5/6-206.1(a)(3)).

(b) In every case in which a disposition is ordered which requires the involvement of the Department of Court Services, the Clerk shall transmit to the Department of Court Services a copy of the complete evaluation report.

(c) Any evaluation report transmitted, pursuant to this Rule 34.03, shall be by sealed envelope to ensure that only those persons and agencies with a legitimate lawful interest in the information shall have access to the evaluation report. Every recipient of an evaluation report, pursuant to this Rule 34.03, shall maintain the confidentiality of the information contained in the evaluation report.

*Gen. Order 08-16, eff. Sept. 17<sup>th</sup>, 2008*

#### **34.04 JUDICIAL DRIVING PERMIT**

(a) The alleged DUI offender may file a Petition for Judicial Driving Permit to Relieve Undue Hardship. In any case in which such a petition has been filed, the Court may conduct a hearing on such petition at any time after a professional evaluation of the accused's drug or alcohol use has been made. Any alcohol and drug evaluation summary prepared in any DUI case shall be impounded.

(b) Where appropriate, the Court may order the issuance of a JDP under such terms and conditions as the Court deems appropriate and authorized by law.

(c) Forms shall be available in the Office of the Circuit Clerk.

*Gen. Order 08-16, eff. Sept. 17<sup>th</sup>, 2008*

#### **34.05 SCHEDULING OF CASES**

(a) First return dates for DUI citations shall be set by the arresting law enforcement agency. The first return date shall be not less than 14 days but within 49 days after the date of arrest, whenever practicable.

*Amend. Gen. Order 88-3, eff. Jan. 25, 1988; Gen. Order 89-8, eff. May 2, 1989; Amend. Gen. Order 08-16, eff. Sept. 17<sup>th</sup>, 2008*