

El Derecho Del Pueblo

Columna de comentario [Social Justice Rising](#) legal advice by abogado y maestro Matthew "Mateo" Katz.

The People's Right

A column of social comment [Destiny](#) and legal advice by attorney and teacher Matthew "Mateo" Katz.

"I WISH I COULD GET A LICENSE," you're thinking to yourself. "If I were able to present the proper paperwork to the Secretary of State's Office, I would apply for a license, but now they want proof of lawful residence for me to get my license!"

Such is the situation for perhaps hundreds of thousands of immigrants living in the State of Illinois, who want to comply with the driving laws of this state but are unable to do so simply because proof of legal residence is now required in order to obtain a valid license. But, now, things have complicated themselves even more...

On January 1 of this year, the Illinois State Legislature passed Public Act 94-0329. This new law makes a DUI conviction in connection with having "no valid driver's license" or if your vehicle "was not covered by liability insurance" an aggravated DUI, meaning a felony.

A felony is a crime which is punishable by one year or more in prison and a misdemeanor is a crime which is punishable by less than one year in prison. This change means that many more DUI arrestees will see their cases transferred from the Daley Center's misdemeanor traffic division downtown to 26th and California's felony courthouse.

The Chicago Daily Law Bulletin wrote on May 2, 2006, that as a result of this law there will be an estimated additional four thousand felony DUI arrests this year, and that, consequently, an additional \$35 million in jail and prison expenses will be charged to the Illinois taxpayer!

Okay, what does all of this mean for you? For one, of course, don't down that beer with dinner

before jumping in your car! Second, don't drive without that license or liability insurance! Finally, if you have any prior DUI convictions or convictions for driving without a license or insurance, be on your best behavior because there are mandatory minimum sentences that take effect after multiple convictions. In many cases, there is a three year minimum prison sentence a convicted driver will have to serve.

If your license was suspended or revoked in the past, there are options available to you in order to reinstate your driving privileges. You have a right to a hearing before an administrative judge of the Secretary of State who will evaluate your ability to resume driving and your risk level to the community.

The most important thing the judicial officer wants to know is whether a DUI offender has recognized and responded to his or her history of alcoholism. The last thing he or she wants to hear is a petitioner seeking their license renewed with two or three DUIs on their record telling them, "I was never a drinker" or "I don't know why those damn cops arrested me" despite having had a .16 (double the .08 legal limit) breathalyzer result!

Remember that aggravated DUI means a felony DUI, with harsher penalties and more complicated consequences. The new laws make you're DUI aggravated if you are convicted of driving under the influence of alcohol or drugs and also convicted of simultaneously driving without liability insurance or without a valid license.