

PREFACE TO THE 2026 EDITION

The purpose of this treatise is to provide attorneys and judges who handle Illinois driving under the influence cases with ready access to cases, law, procedures, and evidence that relates to impaired driving.

This treatise covers Illinois case law, as well as the occasional out-of-state case on issues which have yet to be decided in Illinois. Additionally, this treatise offers brief explanations involving the sciences and technologies relating to breath, blood, and urine testing in Illinois.

Further, this treatise offers practice tips and suggestions to attorneys, and contains sample motions, filings, and documents helpful to DUI practitioners in Illinois.

This 2026 Edition replaces the 2025 Edition of this treatise. Highlights of the new and updated content in this 2026 Edition include:

- Summary of new traffic, DUI, and criminal laws in 2026
- Many case law updates
- New sections pertaining to the topics of (partial list): proper stops and seizures; prolonging the stop; Firearm Concealed Carry Act violations; sentencing issues; detainability and the Pretrial Fairness Act; driving while revoked; fleeing or attempting to elude a police officer; and ineffective assistance of counsel
- New Appendix S

On November 20, 2020, the Illinois Supreme Court amended Illinois Supreme Court Rule 23. Rule 23 originally allowed reviewing courts in Illinois to issue decisions as non-precedential and non-citable (i.e. “unpublished”) orders. The recent amendment to Rule 23 now allows these unpublished orders, issued on or after January 1, 2021, to be cited for persuasive purposes. Therefore, this edition now includes all relevant decisions, including those issued under Rule 23 since January 1, 2021. Rule 23 opinions can easily be identified in this treatise because the citation will contain the designation “-U” at the end. For example, 2021 IL App (4th) 190074-U indicates that the opinion was issued under Rule 23.