



condition of his probation for the Illinois offense. The circuit court found that, under the provisions of the Illinois Vehicle Code in effect at the time of the offense, the California driver's license suspension required a mandatory minimum of 720 hours of community service as a condition of the defendant's probation. For the following reasons, we affirm the circuit court's judgment.

¶ 3

### BACKGROUND

¶ 4 The defendant's arrest in Illinois for driving under the influence of alcohol occurred on July 8, 2006. The defendant appeared in court on November 29, 2006, and entered a plea of guilty and waived his right to a jury trial. On that same day, the circuit court sentenced the defendant to 24 months of probation. The terms of the defendant's probation included a requirement that he perform 720 hours of community service. The record does not include a transcript of the November 29, 2006, plea hearing.

¶ 5 On October 21, 2008, the probation department filed a violation report which stated that the defendant had 653 hours of community service work remaining and that the defendant's probation was set to expire on November 29, 2008. On November 5, 2008, the State filed a motion to revoke the defendant's probation for his failure to complete his public service work.

¶ 6 On June 29, 2010, the defendant filed a motion to modify the terms of his probation. The defendant alleged that the requirement of 720 hours of community service work as a condition of his probation was premised on an apparent misapprehension by the State and by the defendant that the provisions of section 11-501(c-1)(2.2) of the Illinois Vehicle Code at the time required 720 hours of public service work because of his California driver's license suspension. The defendant maintained that, under the language of section 11-501(c-1)(2.2) that was in effect at the time, his California driver's license suspension did not qualify him for the mandatory minimum of 720 hours of community service.

¶ 7 The defendant further alleged that he had performed 499.5 hours of community service and believed that the State had no objection to a modification of the terms of his probation to provide for 499.5 hours of community service, rather than the 720 hours of community service previously imposed.

¶ 8 On August 26, 2010, the parties appeared in court for a hearing on the defendant's motion to modify the terms of his probation. At the hearing, the circuit court noted that the defendant's California driving abstract showed that his license status was suspended or revoked in September 1999 and that there was nothing on the abstract that showed "that anything had been done in the State of California to get the suspension or revocation off of [the defendant's] record." The court further noted that the abstract indicates that the reason for the suspension or revocation was "D.U.I or drugs."

¶ 9 In interpreting the language of section 11-501(c-1)(2.2) of the Illinois Vehicle Code that was in effect at the time of the defendant's offense, the circuit court found that, because of the California revocation or suspension, the minimum amount of community service required to be included with a sentence of probation was the 720 hours originally ordered. The court concluded that the 720 hours of community service was a mandatory term of the defendant's probation and, therefore, denied the defendant's motion to modify the terms of his probation.

¶ 10 On November 16, 2010, the parties appeared in court on the State's petition to revoke probation. At the hearing, the defendant stipulated that he had completed 499.5 hours of community service and had 220.5 hours of community service work left to perform under the terms of his probation. Accordingly, the circuit court granted the State's petition to revoke probation. On the recommendation by the State, the circuit court ordered that the defendant "be admitted to 18 months conditional discharge, [and] that all prior terms, including the balance of the public service, work be reimposed."

¶ 11 The defendant timely filed a notice of appeal.

¶ 12 ANALYSIS

¶ 13 The issue before this court is the effect of the defendant's California driver's license suspension with respect to the mandatory minimum community service required as a condition of the defendant's probation. The facts before the court are not disputed, and the resolution of this issue involves an exercise of statutory construction.

¶ 14 Our review of issues involving statutory construction is *de novo* and is guided by well-established rules. *In re Detention of Lieberman*, 201 Ill. 2d 300, 307 (2002). The principal objective of statutory construction is to determine and give effect to the legislature's intent. *In re Detention of Powell*, 217 Ill. 2d 123, 135 (2005). "All other rules of statutory construction are subordinate to this cardinal principle." *In re Detention of Powell*, 217 Ill. 2d at 135.

¶ 15 The best evidence of the legislative intent is the language of the statute itself, and the language should be "given its plain, ordinary and popularly understood meaning." *In re Detention of Powell*, 217 Ill. 2d at 135. The words and phrases contained within the language of a statute should not be considered in isolation, but must be interpreted in light of other relevant provisions and the statute as a whole. *Williams v. Staples*, 208 Ill. 2d 480, 487 (2004). If possible, we must give effect to every word, clause, and sentence and must not construe a statute in a way that renders any part inoperative, superfluous, or insignificant. *Bauer v. H.H. Hall Construction Co.*, 140 Ill. App. 3d 1025, 1028 (1986).

¶ 16 At the time the defendant committed the offense of driving under the influence in Illinois, section 11-501(c-1)(2.2) of the Illinois Vehicle Code provided as follows:

"A person who violates subsection (a), *if the violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of subsection (a) or Section 11-501.1*, shall also be

sentenced to an additional mandatory minimum term of 30 consecutive days of imprisonment, 40 days of 24-hour periodic imprisonment, or 720 hours of community service, as may be determined by the court. This mandatory term of imprisonment or assignment of community service shall not be suspended or reduced by the court." (Emphasis added.) 625 ILCS 5/11-501(c-1)(2.2) (West 2006).

¶ 17 The defendant points to the emphasized language and maintains that the mandatory minimum of 720 hours of community service does not apply to him because, at the time of his violation, his driving privileges were not revoked or suspended "for a violation of subsection (a) or Section 11-501.1" of the Illinois Vehicle Code. Instead, his driving privileges were revoked or suspended for driving under the influence in violation of California's laws.

¶ 18 The defendant's argument appears to have merit when section 11-501(c-1)(2.2) is read in isolation. However, as noted above, the canons of statutory construction require us to interpret section 11-501(c-1)(2.2) in light of other relevant provisions and the statute as a whole, not in isolation. In fact, in section 11-501(b-1)(1), the legislature provided specific directions to the courts for imposing penalties for driving under the influence of alcohol, and we cannot disregard this legislative directive when interpreting the penalties provided in 11-501(c-1)(2.2). Section 11-501(b-1)(1) concerns "penalties imposed under this Section" and states: "Any reference to a prior violation of subsection (a) or a similar provision includes any violation of a provision of a local ordinance or *a provision of a law of another state that is similar to a violation of subsection (a) of this Section.*" (Emphasis added.) 625 ILCS 5/11-501(b-1)(1) (West 2006).

¶ 19 Accordingly, under the express language of section 11-501 of the vehicle code, when we construe the penalties to be imposed under section 11-501(c-1)(2.2), we are expressly directed by the legislature to construe the phrase "where the revocation or suspension was

for a violation of subsection (a)" to include any violation "of a law of another state that is similar to a violation of subsection (a) of this Section." In the proceedings before the circuit court, all of the parties agreed that the California suspension was for a violation of driving under the influence of alcohol, *i.e.*, an offense similar to a violation of subsection (a) of section 11-501 of the Illinois Vehicle Code. Accordingly, a plain reading of the language of section 11-501 that was in effect at the time of the defendant's offense establishes that a mandatory minimum of 720 hours of community service was a required condition of his probation, and the circuit court had no discretion to "suspend or reduce" this community service requirement since it did not impose the alternate punishment of imprisonment.

¶ 20 Because the statutory language is not ambiguous, there is no reason for this court to resort to other aids of statutory construction. *People v. Glisson*, 202 Ill. 2d 499, 505 (2002) ("Only where the language of the statute is ambiguous may the court resort to other aids of statutory construction.").

¶ 21 The defendant cites *People v. Jett*, 328 Ill. App. 3d 468 (2002), *People v. Weakley*, 176 Ill. App. 3d 274 (1988), and *People v. Brown*, 118 Ill. App. 3d 609 (1983). Those cases, however, concern the statutory construction of various prior enactments of section 6-303(a) of the Illinois Vehicle Code. 625 ILCS 5/6-303(a) (West 2006). The language of those statutory provisions is dissimilar to the language of section 11-501 of the Illinois Vehicle Code that was in effect at the time of the defendant's violation. Accordingly, we agree with the circuit court that "*Jett*, *Weakley*, and *Brown* are not on point with respect to this particular section."

## CONCLUSION

¶ 22 For the foregoing reasons, the judgment of the circuit court is hereby affirmed.

¶ 23 Affirmed.