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MUNICIPAL ORDINANCE - ILLINOIS

Village of Lincolnshire v. Olvera

Supreme Court of Illinois - May 22, 2025 - N.E.3d - 2025 IL 130775 - 2025 WL 1461453

In prosecution by village, defendant was convicted following a bench trial in the Circuit Court, of driving under the influence (DUI) of cannabis, which conviction turned on issue of whether defendant could safely drive during driver's education lesson in high school.

Defendant appealed. The Appellate Court affirmed. Defendant petitioned for leave to appeal.

The Supreme Court held that:

- Although Vehicle Code provides that a municipality must have written permission from the state's attorney to prosecute a violation of the Code, Code does not impose an affirmative duty on a municipality to provide evidence of its written permission in the record of such a prosecution, and
- Evidence was sufficient to support DUI conviction.

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