



Sen. John G. Mulroe

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10100SB1380sam001

LRB101 08902 SLF 56545 a

1 AMENDMENT TO SENATE BILL 1380

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1380 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 2012 is amended by  
5 changing Section 9-3 as follows:

6 (720 ILCS 5/9-3) (from Ch. 38, par. 9-3)

7 Sec. 9-3. Involuntary Manslaughter and Reckless Homicide.

8 (a) A person who unintentionally kills an individual  
9 without lawful justification commits involuntary manslaughter  
10 if his acts whether lawful or unlawful which cause the death  
11 are such as are likely to cause death or great bodily harm to  
12 some individual, and he performs them recklessly, except in  
13 cases in which the cause of the death consists of the driving  
14 of a motor vehicle or operating a snowmobile, all-terrain  
15 vehicle, or watercraft, in which case the person commits  
16 reckless homicide. A person commits reckless homicide if he or

1 she unintentionally kills an individual while driving a vehicle  
2 and using an incline in a roadway, such as a railroad crossing,  
3 bridge approach, or hill, to cause the vehicle to become  
4 airborne.

5 (a-5) A person commits involuntary manslaughter when he or  
6 she commits any criminal act that causes or results in  
7 responsive actions by a first responder and that first  
8 responder is killed as a proximate cause of responding to that  
9 criminal act.

10 (b) (Blank).

11 (c) (Blank).

12 (d) Sentence.

13 (1) Involuntary manslaughter is a Class 3 felony.

14 (2) Reckless homicide is a Class 3 felony.

15 (e) (Blank).

16 (e-2) Except as provided in subsection (e-3), in cases  
17 involving reckless homicide in which the offense is committed  
18 upon a public thoroughfare where children pass going to and  
19 from school when a school crossing guard is performing official  
20 duties, the penalty is a Class 2 felony, for which a person, if  
21 sentenced to a term of imprisonment, shall be sentenced to a  
22 term of not less than 3 years and not more than 14 years.

23 (e-3) In cases involving reckless homicide in which (i) the  
24 offense is committed upon a public thoroughfare where children  
25 pass going to and from school when a school crossing guard is  
26 performing official duties and (ii) the defendant causes the

1 deaths of 2 or more persons as part of a single course of  
2 conduct, the penalty is a Class 2 felony, for which a person,  
3 if sentenced to a term of imprisonment, shall be sentenced to a  
4 term of not less than 6 years and not more than 28 years.

5 (e-5) (Blank).

6 (e-7) Except as otherwise provided in subsection (e-8), in  
7 cases involving reckless homicide in which the defendant: (1)  
8 was driving in a construction or maintenance zone, as defined  
9 in Section 11-605.1 of the Illinois Vehicle Code, or (2) was  
10 operating a vehicle while failing or refusing to comply with  
11 any lawful order or direction of any authorized police officer  
12 or traffic control aide engaged in traffic control, the penalty  
13 is a Class 2 felony, for which a person, if sentenced to a term  
14 of imprisonment, shall be sentenced to a term of not less than  
15 3 years and not more than 14 years.

16 (e-8) In cases involving reckless homicide in which the  
17 defendant caused the deaths of 2 or more persons as part of a  
18 single course of conduct and: (1) was driving in a construction  
19 or maintenance zone, as defined in Section 11-605.1 of the  
20 Illinois Vehicle Code, or (2) was operating a vehicle while  
21 failing or refusing to comply with any lawful order or  
22 direction of any authorized police officer or traffic control  
23 aide engaged in traffic control, the penalty is a Class 2  
24 felony, for which a person, if sentenced to a term of  
25 imprisonment, shall be sentenced to a term of not less than 6  
26 years and not more than 28 years.

1           (e-9) In cases involving reckless homicide in which the  
2 defendant drove a vehicle and used an incline in a roadway,  
3 such as a railroad crossing, bridge approach, or hill, to cause  
4 the vehicle to become airborne, and caused the deaths of 2 or  
5 more persons as part of a single course of conduct, the penalty  
6 is a Class 2 felony.

7           (e-10) In cases involving involuntary manslaughter or  
8 reckless homicide resulting in the death of a peace officer  
9 killed in the performance of his or her duties as a peace  
10 officer, the penalty is a Class 2 felony.

11           (e-11) In cases involving reckless homicide in which the  
12 defendant unintentionally kills an individual while driving in  
13 a posted school zone, as defined in Section 11-605 of the  
14 Illinois Vehicle Code, while children are present or in a  
15 construction or maintenance zone, as defined in Section  
16 11-605.1 of the Illinois Vehicle Code, when construction or  
17 maintenance workers are present the trier of fact may infer  
18 that the defendant's actions were performed recklessly where he  
19 or she was also either driving at a speed of more than 20 miles  
20 per hour in excess of the posted speed limit or violating  
21 Section 11-501 of the Illinois Vehicle Code.

22           (e-12) Except as otherwise provided in subsection (e-13),  
23 in cases involving reckless homicide in which the offense was  
24 committed as result of a violation of subsection (c) of Section  
25 11-907 of the Illinois Vehicle Code, the penalty is a Class 2  
26 felony, for which a person, if sentenced to a term of

1 imprisonment, shall be sentenced to a term of not less than 3  
2 years and not more than 14 years.

3 (e-13) In cases involving reckless homicide in which the  
4 offense was committed as result of a violation of subsection  
5 (c) of Section 11-907 of the Illinois Vehicle Code and the  
6 defendant caused the deaths of 2 or more persons as part of a  
7 single course of conduct, the penalty is a Class 2 felony, for  
8 which a person, if sentenced to a term of imprisonment, shall  
9 be sentenced to a term of not less than 6 years and not more  
10 than 28 years.

11 (e-14) In cases involving reckless homicide in which the  
12 defendant unintentionally kills an individual, the trier of  
13 fact may infer that the defendant's actions were performed  
14 recklessly where he or she was also violating subsection (c) of  
15 Section 11-907 of the Illinois Vehicle Code. The penalty for a  
16 reckless homicide in which the driver also violated subsection  
17 (c) of Section 11-907 of the Illinois Vehicle Code is a Class 2  
18 felony, for which a person, if sentenced to a term of  
19 imprisonment, shall be sentenced to a term of not less than 3  
20 years and not more than 14 years.

21 (f) In cases involving involuntary manslaughter in which  
22 the victim was a family or household member as defined in  
23 paragraph (3) of Section 112A-3 of the Code of Criminal  
24 Procedure of 1963, the penalty shall be a Class 2 felony, for  
25 which a person if sentenced to a term of imprisonment, shall be  
26 sentenced to a term of not less than 3 years and not more than

1 14 years.

2 (Source: P.A. 95-467, eff. 6-1-08; 95-551, eff. 6-1-08; 95-587,  
3 eff. 6-1-08; 95-591, eff. 9-10-07; 95-803, eff. 1-1-09; 95-876,  
4 eff. 8-21-08; 95-884, eff. 1-1-09; 96-328, eff. 8-11-09.)".