

1 AN ACT in relation to criminal law.

2 Be it enacted by the People of the State of Illinois,  
3 represented in the General Assembly:

4 Section 5. The Criminal Code of 1961 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  
8 Homicide.

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

18 (b) In cases involving reckless homicide, being under  
19 the influence of alcohol or any other drug or drugs at the  
20 time of the alleged violation may be, but need not be, taken  
21 into consideration by the trier of fact as shall-be--presumed  
22 to-be evidence of a reckless act unless-disproved-by-evidence  
23 to-the-contrary.

24 (c) For the purposes of this Section, a person shall be  
25 considered to be under the influence of alcohol or other  
26 drugs while:

27 1. The alcohol concentration in the person's blood  
28 or breath is 0.08 or more based on the definition of  
29 blood and breath units in Section 11-501.2 of the  
30 Illinois Vehicle Code;

31 2. Under the influence of alcohol to a degree that

1 renders the person incapable of safely driving a motor  
2 vehicle or operating a snowmobile, all-terrain vehicle,  
3 or watercraft;

4 3. Under the influence of any other drug or  
5 combination of drugs to a degree that renders the person  
6 incapable of safely driving a motor vehicle or operating  
7 a snowmobile, all-terrain vehicle, or watercraft; or

8 4. Under the combined influence of alcohol and any  
9 other drug or drugs to a degree which renders the person  
10 incapable of safely driving a motor vehicle or operating  
11 a snowmobile, all-terrain vehicle, or watercraft.

12 (d) Sentence.

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

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

15 (e) Except as otherwise provided in subsection (e-5), in  
16 cases involving reckless homicide in which the defendant was  
17 determined to have been under the influence of alcohol or any  
18 other drug or drugs as an element of the offense, or in cases  
19 in which the defendant is proven beyond a reasonable doubt to  
20 have been under the influence of alcohol or any other drug or  
21 drugs, the penalty shall be a Class 2 felony, for which a  
22 person, if sentenced to a term of imprisonment, shall be  
23 sentenced to a term of not less than 3 years and not more  
24 than 14 years.

25 (e-5) In cases involving reckless homicide in which the  
26 defendant was determined to have been under the influence of  
27 alcohol or any other drug or drugs as an element of the  
28 offense, or in cases in which the defendant is proven beyond  
29 a reasonable doubt to have been under the influence of  
30 alcohol or any other drug or drugs, if the defendant kills 2  
31 or more individuals as part of a single course of conduct,  
32 the penalty is a Class 2 felony, for which a person, if  
33 sentenced to a term of imprisonment, shall be sentenced to a  
34 term of not less than 6 years and not more than 28 years.

1           (f) In cases involving involuntary manslaughter in which  
2 the victim was a family or household member as defined in  
3 paragraph (3) of Section 112A-3 of the Code of Criminal  
4 Procedure of 1963, the penalty shall be a Class 2 felony, for  
5 which a person if sentenced to a term of imprisonment, shall  
6 be sentenced to a term of not less than 3 years and not more  
7 than 14 years.

8 (Source: P.A. 91-6, eff. 1-1-00; 91-122, eff. 1-1-00; 92-16,  
9 eff. 6-28-01.)