

1 AN ACT in relation to vehicular offenses.

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

4 Section 5. The Illinois Vehicle Code is amended by
5 changing Sections 11-503 and 11-605 as follows:

6 (625 ILCS 5/11-503) (from Ch. 95 1/2, par. 11-503)

7 Sec. 11-503. Reckless driving; aggravated reckless
8 driving; aggravated reckless driving in a construction or
9 maintenance zone.

10 (a) Any person who drives any vehicle with a willful or
11 wanton disregard for the safety of persons or property is
12 guilty of reckless driving.

13 (b) Every person convicted of reckless driving shall be
14 guilty of a Class A misdemeanor, except as provided under
15 subsection (c) and subsection (d) of this Section.

16 (c) Every person convicted of committing a violation of
17 subsection (a) shall be guilty of aggravated reckless driving
18 if the violation results in great bodily harm or permanent
19 disability or disfigurement to another. Aggravated reckless
20 driving is a Class 4 felony, except as provided under
21 subsection (d) of this Section.

22 (d) A person who violates subsection (a) of this Section
23 in a construction or maintenance zone, as defined in Section
24 11-605 of this Code, and as a result of the violation causes
25 great bodily harm or permanent disability or disfigurement to
26 a person in the construction or maintenance zone is guilty of
27 aggravated reckless driving in a construction or maintenance
28 zone. A violation of subsection (b) of Section 11-605 of this
29 Code shall be presumed to be evidence that the person was
30 driving with a willful or wanton disregard for the safety of
31 persons or property unless disproved by evidence to the

1 contrary.

2 A person convicted of aggravated reckless driving in a
3 construction or maintenance zone is guilty of a Class 3
4 felony.

5 (Source: P.A. 88-679, eff. 7-1-95.)

6 (625 ILCS 5/11-605) (from Ch. 95 1/2, par. 11-605)

7 Sec. 11-605. Special speed limit while passing schools or
8 while traveling through highway construction or maintenance
9 zones.

10 (a) For the purpose of this Section, "school" means the
11 following entities:

12 (1) A public or private primary or secondary
13 school.

14 (2) A primary or secondary school operated by a
15 religious institution.

16 (3) A public, private, or religious nursery school.

17 On a school day when school children are present and so
18 close thereto that a potential hazard exists because of the
19 close proximity of the motorized traffic, no person shall
20 drive a motor vehicle at a speed in excess of 20 miles per
21 hour while passing a school zone or while traveling on a
22 roadway on public school property or upon any public
23 thoroughfare where children pass going to and from school.

24 For the purpose of this Section a school day shall begin
25 at seven ante meridian and shall conclude at four post
26 meridian.

27 This Section shall not be applicable unless appropriate
28 signs are posted upon streets and highways under their
29 respective jurisdiction and maintained by the Department,
30 township, county, park district, city, village or
31 incorporated town wherein the school zone is located. With
32 regard to the special speed limit while passing schools, such
33 signs shall give proper due warning that a school zone is

1 being approached and shall indicate the school zone and the
2 maximum speed limit in effect during school days when school
3 children are present.

4 (b) No person shall operate a motor vehicle in a
5 construction or maintenance zone at a speed in excess of the
6 posted speed limit when workers are present and so close to
7 the moving traffic that a potential hazard exists because of
8 the motorized traffic.

9 (c) Nothing in this Chapter shall prohibit the use of
10 electronic speed-detecting devices within 500 feet of signs
11 within a special school speed zone or a construction or
12 maintenance zone indicating such zone, as defined in this
13 Section, nor shall evidence obtained thereby be inadmissible
14 in any prosecution for speeding provided the use of such
15 device shall apply only to the enforcement of the speed limit
16 in such special school speed zone or a construction or
17 maintenance zone.

18 (d) As used in ~~For--the--purpose--of~~ this Section and
19 Section 11-503, a construction or maintenance zone is an area
20 in which the Department, Toll Highway Authority, or local
21 agency has determined that the preexisting established speed
22 limit through a highway construction or maintenance project
23 is greater than is reasonable or safe with respect to the
24 conditions expected to exist in the construction or
25 maintenance zone and has posted a lower speed limit with a
26 highway construction or maintenance zone special speed limit
27 sign.

28 Highway construction or maintenance zone special speed
29 limit signs shall be of a design approved by the Department.
30 The signs shall give proper due warning that a construction
31 or maintenance zone is being approached and shall indicate
32 the maximum speed limit in effect. The signs shall also
33 state the amount of the minimum fine for a violation when
34 workers are present.

1 (e) A first violation of this Section is a petty offense
2 with a minimum fine of \$150. A second or subsequent
3 violation of this Section is a petty offense with a minimum
4 fine of \$300.

5 (f) When a fine for a violation of subsection (a) is
6 \$150 or greater, the person who violates subsection (a) shall
7 be charged an additional \$50 to be paid to the unit school
8 district where the violation occurred for school safety
9 purposes. If the violation occurred in a dual school
10 district, \$25 of the surcharge shall be paid to the
11 elementary school district for school safety purposes and \$25
12 of the surcharge shall be paid to the high school district
13 for school safety purposes. Notwithstanding any other
14 provision of law, the entire \$50 surcharge shall be paid to
15 the appropriate school district or districts.

16 For purposes of this subsection (f), "school safety
17 purposes" includes the costs associated with school zone
18 safety education and the purchase, installation, and
19 maintenance of caution lights which are mounted on school
20 speed zone signs.

21 (g) When a fine for a violation of subsection (b) is
22 \$150 or greater, the person who violates subsection (b) shall
23 be charged an additional \$50. The \$50 surcharge shall be
24 deposited into the Transportation Safety Highway Hire-back
25 Fund.

26 (h) The Transportation Safety Highway Hire-back Fund is
27 created as a special fund in the State treasury. Subject to
28 appropriation by the General Assembly and approval by the
29 Secretary, the Secretary of Transportation shall use all
30 moneys in the Transportation Safety Highway Hire-back Fund to
31 hire off-duty Department of State Police officers to monitor
32 construction or maintenance zones.

33 (Source: P.A. 91-531, eff. 1-1-00; 92-242, eff. 1-1-02;
34 92-619, eff. 1-1-03; 92-780, eff. 8-6-02; revised 8-22-02.)

1 Section 10. The Criminal Code of 1961 is amended by
2 changing Section 9-3 as follows:

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

4 Sec. 9-3. Involuntary Manslaughter and Reckless
5 Homicide.

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

15 (b) In cases involving reckless homicide, being under
16 the influence of alcohol or any other drug or drugs at the
17 time of the alleged violation shall be presumed to be
18 evidence of a reckless act unless disproved by evidence to
19 the contrary.

20 (b-5) In cases involving reckless homicide in which the
21 defendant was driving in a construction or maintenance zone,
22 as defined in Section 11-605 of the Illinois Vehicle Code,
23 and caused the death of a person in the construction or
24 maintenance zone, a violation of subsection (b) of Section
25 11-605 of the Illinois Vehicle Code shall be presumed to be
26 evidence of a reckless act unless disproved by evidence to
27 the contrary.

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

31 1. The alcohol concentration in the person's blood
32 or breath is 0.08 or more based on the definition of
33 blood and breath units in Section 11-501.2 of the

1 Illinois Vehicle Code;

2 2. Under the influence of alcohol to a degree that
3 renders the person incapable of safely driving a motor
4 vehicle or operating a snowmobile, all-terrain vehicle,
5 or watercraft;

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

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

14 (d) Sentence.

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

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

17 (e) Except as otherwise provided in subsection (e-5) and
18 subsection (e-7), in cases involving reckless homicide in
19 which the defendant was determined to have been under the
20 influence of alcohol or any other drug or drugs as an element
21 of the offense, or in cases in which the defendant is proven
22 beyond a reasonable doubt to have been under the influence of
23 alcohol or any other drug or drugs, the penalty shall be a
24 Class 2 felony, for which a person, if sentenced to a term of
25 imprisonment, shall be sentenced to a term of not less than 3
26 years and not more than 14 years.

27 (e-5) In cases involving reckless homicide in which the
28 defendant was determined to have been under the influence of
29 alcohol or any other drug or drugs as an element of the
30 offense, or in cases in which the defendant is proven beyond
31 a reasonable doubt to have been under the influence of
32 alcohol or any other drug or drugs, if the defendant kills 2
33 or more individuals as part of a single course of conduct,
34 the penalty is a Class 2 felony, for which a person, if

1 sentenced to a term of imprisonment, shall be sentenced to a
2 term of not less than 6 years and not more than 28 years.

3 (e-7) In cases involving reckless homicide in which the
4 defendant was driving in a construction or maintenance zone,
5 as defined in Section 11-605 of the Illinois Vehicle Code,
6 and caused the death of a person in the construction or
7 maintenance zone, the penalty is a Class 2 felony, for which
8 a person, if sentenced to a term of imprisonment, shall be
9 sentenced to a term of not less than 6 years and not more
10 than 28 years.

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

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