



93RD GENERAL ASSEMBLY

State of Illinois

2003 and 2004

Introduced 2/6/2004, by Don Harmon

SYNOPSIS AS INTRODUCED:

720 ILCS 5/9-3

from Ch. 38, par. 9-3

Amends the Criminal Code of 1961. Makes technical changes in the Section concerning involuntary manslaughter and reckless homicide.

LRB093 21099 RLC 47148 b

1 AN ACT concerning 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 changing
5 Section 9-3 as follows:

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

7 (Text of Section before amendment by P.A. 93-178)

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

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

18 (b) (Blank).

19 (c) (Blank).

20 (d) Sentence.

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

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

23 (e) (Blank).

24 (e-5) (Blank).

25 (f) In cases involving involuntary manslaughter in which
26 the victim was a family or household member as defined in
27 paragraph (3) of Section 112A-3 of the Code of Criminal
28 Procedure of 1963, the penalty shall be a Class 2 felony, for
29 which a person if sentenced to a term of imprisonment, shall be
30 sentenced to a term of not less than 3 years and not more than
31 14 years.

32 (Source: P.A. 92-16, eff. 6-28-01; 93-213, eff. 7-18-03.)

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14 (d) Sentence.

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

17 (e) (Blank). ~~subsections, (e-7), and (e-8)~~

18 (e-5) (Blank).

19 (e-7) Except as otherwise provided in subsection (e-8), in
20 cases involving reckless homicide in which the defendant was
21 driving in a construction or maintenance zone, as defined in
22 Section 11-605 of the Illinois Vehicle Code, the penalty is a
23 Class 2 felony, for which a person, if sentenced to a term of
24 imprisonment, shall be sentenced to a term of not less than 3
25 years and not more than 14 years.

26 (e-8) In cases involving reckless homicide in which the
27 defendant was driving in a construction or maintenance zone, as
28 defined in Section 11-605 of the Illinois Vehicle Code, and
29 caused the deaths of 2 or more persons as part of a single
30 course of conduct, the penalty is a Class 2 felony, for which a
31 person, if sentenced to a term of imprisonment, shall be
32 sentenced to a term of not less than 6 years and not more than
33 28 years.

34 (f) In cases involving involuntary manslaughter in which
35 the victim was a family or household member as defined in

1 paragraph (3) of Section 112A-3 of the Code of Criminal
2 Procedure of 1963, the penalty shall be a Class 2 felony, for
3 which a person if sentenced to a term of imprisonment, shall be
4 sentenced to a term of not less than 3 years and not more than
5 14 years.

6 (Source: P.A. 92-16, eff. 6-28-01; 93-178, eff. 6-1-04; 93-213,
7 eff. 7-18-03; revised 7-28-03.)