



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB0186

Introduced 2/2/2005, by Sen. Ira I. Silverstein

SYNOPSIS AS INTRODUCED:

720 ILCS 5/9-3

from Ch. 38, par. 9-3

Amends the Criminal Code of 1961. Provides that a person who causes a fatal accident by operating a motor vehicle, all-terrain vehicle, snowmobile, or watercraft while he or she is aware of being fatigued is guilty of reckless homicide. Provides that a person is fatigued if he or she has been without sleep for 24 consecutive hours. Provides that proof that the defendant fell asleep while driving or was driving after having been without sleep for a period in excess of 24 consecutive hours creates an inference that the defendant was driving recklessly. Provides that, if a person commits reckless homicide and is determined to have been knowingly fatigued as an element of the offense, he or she is guilty of a Class 2 felony. Provides that the offender, if sentenced to imprisonment, shall be sentenced to a term of (i) not less than 3 years and not more than 14 years if the offense resulted in the death of one person or (ii) not less than 6 years and not more than 28 years if the offense resulted in the deaths of 2 or more persons.

LRB094 05339 DRH 35383 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

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 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
17 she unintentionally kills an individual while driving a vehicle
18 and using an incline in a roadway, such as a railroad crossing,
19 bridge approach, or hill, to cause the vehicle to become
20 airborne.

21 (b) (Blank).

22 (b-1) In cases involving reckless homicide, driving while
23 the driver is aware that he or she is fatigued constitutes
24 recklessness.

25 As used in this Section, "fatigued" means having been
26 without sleep for a period in excess of 24 consecutive hours.

27 (b-2) Proof that the defendant fell asleep while driving or
28 was driving after having been without sleep for a period in
29 excess of 24 consecutive hours creates an inference that the
30 defendant was driving recklessly.

31 (c) (Blank).

32 (d) Sentence.

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

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

3 (e) (Blank).

4 (e-1) Except as otherwise provided in subsection (e-2), in
5 cases involving reckless homicide in which the defendant was
6 determined to have been knowingly fatigued as an element of the
7 offense, the penalty shall be a Class 2 felony, for which a
8 person, if sentenced to a term of imprisonment, shall be
9 sentenced to a term of not less than 3 years and not more than
10 14 years.

11 (e-2) In cases involving reckless homicide in which the
12 defendant was determined to have been knowingly fatigued as an
13 element of the offense, if the defendant kills 2 or more
14 individuals as part of a single course of conduct, the penalty
15 is a Class 2 felony, for which a person, if sentenced to a term
16 of imprisonment, shall be sentenced to a term of not less than
17 6 years and not more than 28 years.

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 (e-9) In cases involving reckless homicide in which the
35 defendant drove a vehicle and used an incline in a roadway,
36 such as a railroad crossing, bridge approach, or hill, to cause

1 the vehicle to become airborne, and caused the deaths of 2 or
2 more persons as part of a single course of conduct, the penalty
3 is a Class 2 felony.

4 (f) In cases involving involuntary manslaughter in which
5 the victim was a family or household member as defined in
6 paragraph (3) of Section 112A-3 of the Code of Criminal
7 Procedure of 1963, the penalty shall be a Class 2 felony, for
8 which a person if sentenced to a term of imprisonment, shall be
9 sentenced to a term of not less than 3 years and not more than
10 14 years.

11 (Source: P.A. 92-16, eff. 6-28-01; 93-178, eff. 6-1-04; 93-213,
12 eff. 7-18-03; 93-682, eff. 1-1-05.)