



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB0508

Introduced 2/1/2007, by Rep. Elaine Nekritz

SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-503
720 ILCS 5/9-3

from Ch. 95 1/2, par. 11-503
from Ch. 38, par. 9-3

Amends the Criminal Code of 1961 and the Illinois Vehicle Code. Provides that, if a defendant commits reckless homicide upon a public thoroughfare where children pass going to and from school when a school crossing guard is performing official duties, the defendant is guilty of a Class 2 felony. Provides that the defendant, if sentenced to a term of imprisonment, shall be sentenced to (i) not less than 3 years and not more than 14 years if the defendant caused the death of one person or (ii) not less than 6 years and not more than 28 years if the defendant caused the deaths of 2 or more persons as part of a single course of conduct. Creates the offense of aggravated reckless driving where a school crossing guard is performing official duties, a Class 3 felony. Provides that a person commits the offense if he or she drives with a willful or wanton disregard for the safety of persons or property and as a result causes bodily injury to a child or a school crossing guard while the school crossing guard is performing his or her official duties.

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CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

1 AN ACT concerning transportation.

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 changing
5 Section 11-503 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 where a school crossing
9 guard is performing official duties.

10 (a) A person commits reckless driving if he or she:

11 (1) drives any vehicle with a willful or wanton
12 disregard for the safety of persons or property; or

13 (2) knowingly drives a vehicle and uses an incline in a
14 roadway, such as a railroad crossing, bridge approach, or
15 hill, to cause the vehicle to become airborne.

16 (b) Every person convicted of reckless driving shall be
17 guilty of a Class A misdemeanor, except as provided under
18 subsection (c) of this Section.

19 (c) Every person convicted of committing a violation of
20 subsection (a) shall be guilty of aggravated reckless driving
21 if the violation results in great bodily harm or permanent
22 disability or disfigurement to another. Aggravated reckless
23 driving is a Class 4 felony.

1 (d) A person who violates this Section, if the violation
2 causes bodily injury to a child or a school crossing guard
3 while the school crossing guard is performing his or her
4 official duties, is guilty of aggravated reckless driving where
5 a school crossing guard is performing official duties.

6 Aggravated reckless driving where a school crossing guard
7 is performing official duties is a Class 3 felony.

8 (Source: P.A. 93-682, eff. 1-1-05.)

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

11 (720 ILCS 5/9-3) (from Ch. 38, par. 9-3)

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

13 (a) A person who unintentionally kills an individual
14 without lawful justification commits involuntary manslaughter
15 if his acts whether lawful or unlawful which cause the death
16 are such as are likely to cause death or great bodily harm to
17 some individual, and he performs them recklessly, except in
18 cases in which the cause of the death consists of the driving
19 of a motor vehicle or operating a snowmobile, all-terrain
20 vehicle, or watercraft, in which case the person commits
21 reckless homicide. A person commits reckless homicide if he or
22 she unintentionally kills an individual while driving a vehicle
23 and using an incline in a roadway, such as a railroad crossing,
24 bridge approach, or hill, to cause the vehicle to become

1 airborne.

2 (b) (Blank).

3 (c) (Blank).

4 (d) Sentence.

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

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

7 (e) (Blank).

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

15 (e-3) In cases involving reckless homicide in which (i) the
16 offense is committed upon a public thoroughfare where children
17 pass going to and from school when a school crossing guard is
18 performing official duties and (ii) the defendant causes the
19 deaths of 2 or more persons as part of a single course of
20 conduct, the penalty is a Class 2 felony, for which a person,
21 if sentenced to a term of imprisonment, shall be sentenced to a
22 term of not less than 6 years and not more than 28 years.

23 (e-5) (Blank).

24 (e-7) Except as otherwise provided in subsection (e-8), in
25 cases involving reckless homicide in which the defendant was
26 driving in a construction or maintenance zone, as defined in

1 Section 11-605 of the Illinois Vehicle Code, the penalty is a
2 Class 2 felony, for which a person, if sentenced to a term of
3 imprisonment, shall be sentenced to a term of not less than 3
4 years and not more than 14 years.

5 (e-8) In cases involving reckless homicide in which the
6 defendant was driving in a construction or maintenance zone, as
7 defined in Section 11-605 of the Illinois Vehicle Code, and
8 caused the deaths of 2 or more persons as part of a single
9 course of conduct, the penalty is a Class 2 felony, for which a
10 person, if sentenced to a term of imprisonment, shall be
11 sentenced to a term of not less than 6 years and not more than
12 28 years.

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

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

26 (Source: P.A. 92-16, eff. 6-28-01; 93-178, eff. 6-1-04; 93-213,

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1 eff. 7-18-03; 93-682, eff. 1-1-05.)