



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB1115

by Rep. Chapin Rose

SYNOPSIS AS INTRODUCED:

720 ILCS 5/9-3
720 ILCS 5/12-4

from Ch. 38, par. 9-3
from Ch. 38, par. 12-4

Amends the Criminal Code of 1961. Provides that in cases involving involuntary manslaughter in which the victim was 12 years of age or younger at the time of the commission of the offense, the court may sentence the defendant to a term of imprisonment of up to twice the maximum term otherwise authorized. In aggravated battery sentencing provisions, provides that, if the individual harmed is a peace officer or fireman, the court may impose a term of imprisonment up to twice the maximum term of imprisonment that is otherwise authorized.

LRB095 09021 RLC 29212 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 Sections 9-3 and 12-4 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 (c) (Blank).

23 (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-5) (Blank).

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

12 (e-8) In cases involving reckless homicide in which the
13 defendant was driving in a construction or maintenance zone, as
14 defined in Section 11-605 of the Illinois Vehicle Code, and
15 caused the deaths of 2 or more persons as part of a single
16 course of conduct, the penalty is a Class 2 felony, for which a
17 person, if sentenced to a term of imprisonment, shall be
18 sentenced to a term of not less than 6 years and not more than
19 28 years.

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

26 (f) In cases involving involuntary manslaughter in which

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

7 (g) In cases involving involuntary manslaughter in which
8 the victim was 12 years of age or younger at the time of the
9 commission of the offense, the court may sentence the defendant
10 to a term of imprisonment of up to twice the maximum term
11 otherwise authorized.

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

14 (720 ILCS 5/12-4) (from Ch. 38, par. 12-4)

15 Sec. 12-4. Aggravated Battery.

16 (a) A person who, in committing a battery, intentionally or
17 knowingly causes great bodily harm, or permanent disability or
18 disfigurement commits aggravated battery.

19 (b) In committing a battery, a person commits aggravated
20 battery if he or she:

21 (1) Uses a deadly weapon other than by the discharge of
22 a firearm;

23 (2) Is hooded, robed or masked, in such manner as to
24 conceal his identity;

25 (3) Knows the individual harmed to be a teacher or

1 other person employed in any school and such teacher or
2 other employee is upon the grounds of a school or grounds
3 adjacent thereto, or is in any part of a building used for
4 school purposes;

5 (4) (Blank);

6 (5) (Blank);

7 (6) Knows the individual harmed to be a community
8 policing volunteer while such volunteer is engaged in the
9 execution of any official duties, or to prevent the
10 volunteer from performing official duties, or in
11 retaliation for the volunteer performing official duties,
12 and the battery is committed other than by the discharge of
13 a firearm;

14 (7) Knows the individual harmed to be an emergency
15 medical technician - ambulance, emergency medical
16 technician - intermediate, emergency medical technician -
17 paramedic, ambulance driver, other medical assistance,
18 first aid personnel, or hospital personnel engaged in the
19 performance of any of his or her official duties, or to
20 prevent the emergency medical technician - ambulance,
21 emergency medical technician - intermediate, emergency
22 medical technician - paramedic, ambulance driver, other
23 medical assistance, first aid personnel, or hospital
24 personnel from performing official duties, or in
25 retaliation for performing official duties;

26 (8) Is, or the person battered is, on or about a public

1 way, public property or public place of accommodation or
2 amusement;

3 (8.5) Is, or the person battered is, on a publicly or
4 privately owned sports or entertainment arena, stadium,
5 community or convention hall, special event center,
6 amusement facility, or a special event center in a public
7 park during any 24-hour period when a professional sporting
8 event, National Collegiate Athletic Association
9 (NCAA)-sanctioned sporting event, United States Olympic
10 Committee-sanctioned sporting event, or International
11 Olympic Committee-sanctioned sporting event is taking
12 place in this venue;

13 (9) Knows the individual harmed to be the driver,
14 operator, employee or passenger of any transportation
15 facility or system engaged in the business of
16 transportation of the public for hire and the individual
17 assaulted is then performing in such capacity or then using
18 such public transportation as a passenger or using any area
19 of any description designated by the transportation
20 facility or system as a vehicle boarding, departure, or
21 transfer location;

22 (10) Knows the individual harmed to be an individual of
23 60 years of age or older;

24 (11) Knows the individual harmed is pregnant;

25 (12) Knows the individual harmed to be a judge whom the
26 person intended to harm as a result of the judge's

1 performance of his or her official duties as a judge;

2 (13) (Blank);

3 (14) Knows the individual harmed to be a person who is
4 physically handicapped;

5 (15) Knowingly and without legal justification and by
6 any means causes bodily harm to a merchant who detains the
7 person for an alleged commission of retail theft under
8 Section 16A-5 of this Code. In this item (15), "merchant"
9 has the meaning ascribed to it in Section 16A-2.4 of this
10 Code;

11 (16) Is, or the person battered is, in any building or
12 other structure used to provide shelter or other services
13 to victims or to the dependent children of victims of
14 domestic violence pursuant to the Illinois Domestic
15 Violence Act of 1986 or the Domestic Violence Shelters Act,
16 or the person battered is within 500 feet of such a
17 building or other structure while going to or from such a
18 building or other structure. "Domestic violence" has the
19 meaning ascribed to it in Section 103 of the Illinois
20 Domestic Violence Act of 1986. "Building or other structure
21 used to provide shelter" has the meaning ascribed to
22 "shelter" in Section 1 of the Domestic Violence Shelters
23 Act;

24 (17) (Blank); ~~or~~

25 (18) Knows the individual harmed to be an officer or
26 employee of the State of Illinois, a unit of local

1 government, or school district engaged in the performance
2 of his or her authorized duties as such officer or
3 employee; or.

4 (19) ~~(18)~~ Knows the individual harmed to be an
5 emergency management worker engaged in the performance of
6 any of his or her official duties, or to prevent the
7 emergency management worker from performing official
8 duties, or in retaliation for the emergency management
9 worker performing official duties.

10 For the purpose of paragraph (14) of subsection (b) of this
11 Section, a physically handicapped person is a person who
12 suffers from a permanent and disabling physical
13 characteristic, resulting from disease, injury, functional
14 disorder or congenital condition.

15 (c) A person who administers to an individual or causes him
16 to take, without his consent or by threat or deception, and for
17 other than medical purposes, any intoxicating, poisonous,
18 stupefying, narcotic, anesthetic, or controlled substance
19 commits aggravated battery.

20 (d) A person who knowingly gives to another person any food
21 that contains any substance or object that is intended to cause
22 physical injury if eaten, commits aggravated battery.

23 (d-3) A person commits aggravated battery when he or she
24 knowingly and without lawful justification shines or flashes a
25 laser gunsight or other laser device that is attached or
26 affixed to a firearm, or used in concert with a firearm, so

1 that the laser beam strikes upon or against the person of
2 another.

3 (d-5) An inmate of a penal institution or a sexually
4 dangerous person or a sexually violent person in the custody of
5 the Department of Human Services who causes or attempts to
6 cause a correctional employee of the penal institution or an
7 employee of the Department of Human Services to come into
8 contact with blood, seminal fluid, urine, or feces, by
9 throwing, tossing, or expelling that fluid or material commits
10 aggravated battery. For purposes of this subsection (d-5),
11 "correctional employee" means a person who is employed by a
12 penal institution.

13 (e) Sentence.

14 (1) Except as otherwise provided in paragraphs (2) and
15 (3), aggravated battery is a Class 3 felony.

16 (2) Aggravated battery that does not cause great bodily
17 harm or permanent disability or disfigurement is a Class 2
18 felony when the person knows the individual harmed to be a
19 peace officer, a community policing volunteer, a
20 correctional institution employee, an employee of the
21 Department of Human Services supervising or controlling
22 sexually dangerous persons or sexually violent persons, or
23 a fireman while such officer, volunteer, employee, or
24 fireman is engaged in the execution of any official duties
25 including arrest or attempted arrest, or to prevent the
26 officer, volunteer, employee, or fireman from performing

1 official duties, or in retaliation for the officer,
2 volunteer, employee, or fireman performing official
3 duties, and the battery is committed other than by the
4 discharge of a firearm. If the individual harmed is a peace
5 officer or fireman, the court may impose a term of
6 imprisonment up to twice the maximum term of imprisonment
7 that is otherwise authorized.

8 (3) Aggravated battery that causes great bodily harm or
9 permanent disability or disfigurement in violation of
10 subsection (a) is a Class 1 felony when the person knows
11 the individual harmed to be a peace officer, a community
12 policing volunteer, a correctional institution employee,
13 an employee of the Department of Human Services supervising
14 or controlling sexually dangerous persons or sexually
15 violent persons, or a fireman while such officer,
16 volunteer, employee, or fireman is engaged in the execution
17 of any official duties including arrest or attempted
18 arrest, or to prevent the officer, volunteer, employee, or
19 fireman from performing official duties, or in retaliation
20 for the officer, volunteer, employee, or fireman
21 performing official duties, and the battery is committed
22 other than by the discharge of a firearm. If the individual
23 harmed is a peace officer or fireman, the court may impose
24 a term of imprisonment up to twice the maximum term of
25 imprisonment that is otherwise authorized.

26 (Source: P.A. 93-83, eff. 7-2-03; 94-243, eff. 1-1-06; 94-327,

1 eff. 1-1-06; 94-333, eff. 7-26-05; 94-363, eff. 7-29-05;
2 94-482, eff. 1-1-06; revised 8-19-05.)