

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 2. The Criminal Code of 1961 is amended by changing
5 Sections 9-3 and 12-2 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: (1)
7 was driving in a construction or maintenance zone, as defined
8 in Section 11-605 of the Illinois Vehicle Code, or (2) was
9 operating a vehicle while failing or refusing to comply with
10 any lawful order or direction of any authorized police officer
11 or traffic control aide engaged in traffic control, the penalty
12 is a Class 2 felony, for which a person, if sentenced to a term
13 of imprisonment, shall be sentenced to a term of not less than
14 3 years and not more than 14 years.

15 (e-8) In cases involving reckless homicide in which the
16 defendant caused the deaths of 2 or more persons as part of a
17 single course of conduct and: (1) was driving in a construction
18 or maintenance zone, as defined in Section 11-605 of the
19 Illinois Vehicle Code, or (2) was operating a vehicle while
20 failing or refusing to comply with any lawful order or
21 direction of any authorized police officer or traffic control
22 aide engaged in traffic control ~~and caused the deaths of 2 or~~
23 ~~more persons as part of a single course of conduct~~, the penalty
24 is a Class 2 felony, for which a person, if sentenced to a term
25 of imprisonment, shall be sentenced to a term of not less than
26 6 years and not more than 28 years.

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

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

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

16 (720 ILCS 5/12-2) (from Ch. 38, par. 12-2)

17 Sec. 12-2. Aggravated assault.

18 (a) A person commits an aggravated assault, when, in
19 committing an assault, he:

20 (1) Uses a deadly weapon or any device manufactured and
21 designed to be substantially similar in appearance to a
22 firearm, other than by discharging a firearm in the
23 direction of another person, a peace officer, a person
24 summoned or directed by a peace officer, a correctional
25 officer or a fireman or in the direction of a vehicle

1 occupied by another person, a peace officer, a person
2 summoned or directed by a peace officer, a correctional
3 officer or a fireman while the officer or fireman is
4 engaged in the execution of any of his official duties, or
5 to prevent the officer or fireman from performing his
6 official duties, or in retaliation for the officer or
7 fireman performing his official duties;

8 (2) Is hooded, robed or masked in such manner as to
9 conceal his identity or any device manufactured and
10 designed to be substantially similar in appearance to a
11 firearm;

12 (3) Knows the individual assaulted to be a teacher or
13 other person employed in any school and such teacher or
14 other employee is upon the grounds of a school or grounds
15 adjacent thereto, or is in any part of a building used for
16 school purposes;

17 (4) Knows the individual assaulted to be a supervisor,
18 director, instructor or other person employed in any park
19 district and such supervisor, director, instructor or
20 other employee is upon the grounds of the park or grounds
21 adjacent thereto, or is in any part of a building used for
22 park purposes;

23 (5) Knows the individual assaulted to be a caseworker,
24 investigator, or other person employed by the Department of
25 Healthcare and Family Services (formerly State Department
26 of Public Aid), a County Department of Public Aid, or the

1 Department of Human Services (acting as successor to the
2 Illinois Department of Public Aid under the Department of
3 Human Services Act) and such caseworker, investigator, or
4 other person is upon the grounds of a public aid office or
5 grounds adjacent thereto, or is in any part of a building
6 used for public aid purposes, or upon the grounds of a home
7 of a public aid applicant, recipient or any other person
8 being interviewed or investigated in the employees'
9 discharge of his duties, or on grounds adjacent thereto, or
10 is in any part of a building in which the applicant,
11 recipient, or other such person resides or is located;

12 (6) Knows the individual assaulted to be a peace
13 officer, or a community policing volunteer, or a fireman
14 while the officer or fireman is engaged in the execution of
15 any of his official duties, or to prevent the officer,
16 community policing volunteer, or fireman from performing
17 his official duties, or in retaliation for the officer,
18 community policing volunteer, or fireman performing his
19 official duties, and the assault is committed other than by
20 the discharge of a firearm in the direction of the officer
21 or fireman or in the direction of a vehicle occupied by the
22 officer or fireman;

23 (7) Knows the individual assaulted to be an emergency
24 medical technician - ambulance, emergency medical
25 technician - intermediate, emergency medical technician -
26 paramedic, ambulance driver or other medical assistance or

1 first aid personnel engaged in the execution of any of his
2 official duties, or to prevent the emergency medical
3 technician - ambulance, emergency medical technician -
4 intermediate, emergency medical technician - paramedic,
5 ambulance driver, or other medical assistance or first aid
6 personnel from performing his official duties, or in
7 retaliation for the emergency medical technician -
8 ambulance, emergency medical technician - intermediate,
9 emergency medical technician - paramedic, ambulance
10 driver, or other medical assistance or first aid personnel
11 performing his official duties;

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

21 (9) Or the individual assaulted is on or about a public
22 way, public property, or public place of accommodation or
23 amusement;

24 (9.5) Is, or the individual assaulted is, in or about a
25 publicly or privately owned sports or entertainment arena,
26 stadium, community or convention hall, special event

1 center, amusement facility, or a special event center in a
2 public park during any 24-hour period when a professional
3 sporting event, National Collegiate Athletic Association
4 (NCAA)-sanctioned sporting event, United States Olympic
5 Committee-sanctioned sporting event, or International
6 Olympic Committee-sanctioned sporting event is taking
7 place in this venue;

8 (10) Knows the individual assaulted to be an employee
9 of the State of Illinois, a municipal corporation therein
10 or a political subdivision thereof, engaged in the
11 performance of his authorized duties as such employee;

12 (11) Knowingly and without legal justification,
13 commits an assault on a physically handicapped person;

14 (12) Knowingly and without legal justification,
15 commits an assault on a person 60 years of age or older;

16 (13) Discharges a firearm;

17 (14) Knows the individual assaulted to be a
18 correctional officer, while the officer is engaged in the
19 execution of any of his or her official duties, or to
20 prevent the officer from performing his or her official
21 duties, or in retaliation for the officer performing his or
22 her official duties;

23 (15) Knows the individual assaulted to be a
24 correctional employee or an employee of the Department of
25 Human Services supervising or controlling sexually
26 dangerous persons or sexually violent persons, while the

1 employee is engaged in the execution of any of his or her
2 official duties, or to prevent the employee from performing
3 his or her official duties, or in retaliation for the
4 employee performing his or her official duties, and the
5 assault is committed other than by the discharge of a
6 firearm in the direction of the employee or in the
7 direction of a vehicle occupied by the employee;

8 (16) Knows the individual assaulted to be an employee
9 of a police or sheriff's department, or a person who is
10 employed by a municipality and whose duties include traffic
11 control, engaged in the performance of his or her official
12 duties as such employee; ~~or~~

13 (17) Knows the individual assaulted to be a sports
14 official or coach at any level of competition and the act
15 causing the assault to the sports official or coach
16 occurred within an athletic facility or an indoor or
17 outdoor playing field or within the immediate vicinity of
18 the athletic facility or an indoor or outdoor playing field
19 at which the sports official or coach was an active
20 participant in the athletic contest held at the athletic
21 facility. For the purposes of this paragraph (17), "sports
22 official" means a person at an athletic contest who
23 enforces the rules of the contest, such as an umpire or
24 referee; and "coach" means a person recognized as a coach
25 by the sanctioning authority that conducted the athletic
26 contest; or.

1 (18) Knows the individual assaulted to be an emergency
2 management worker, while the emergency management worker
3 is engaged in the execution of any of his or her official
4 duties, or to prevent the emergency management worker from
5 performing his or her official duties, or in retaliation
6 for the emergency management worker performing his or her
7 official duties, and the assault is committed other than by
8 the discharge of a firearm in the direction of the
9 emergency management worker or in the direction of a
10 vehicle occupied by the emergency management worker.

11 (a-5) A person commits an aggravated assault when he or she
12 knowingly and without lawful justification shines or flashes a
13 laser gunsight or other laser device that is attached or
14 affixed to a firearm, or used in concert with a firearm, so
15 that the laser beam strikes near or in the immediate vicinity
16 of any person.

17 (b) Sentence.

18 Aggravated assault as defined in paragraphs (1) through (5)
19 and (8) through (12) and (17) of subsection (a) of this Section
20 is a Class A misdemeanor. Aggravated assault as defined in
21 paragraphs (13), (14), and (15) of subsection (a) of this
22 Section and as defined in subsection (a-5) of this Section is a
23 Class 4 felony. Aggravated assault as defined in paragraphs
24 (6), (7), (16), and (18) of subsection (a) of this Section is a
25 Class A misdemeanor if a firearm is not used in the commission
26 of the assault. Aggravated assault as defined in paragraphs

1 (6), (7), (16), and (18) of subsection (a) of this Section is a
2 Class 4 felony if a firearm is used in the commission of the
3 assault.

4 (Source: P.A. 93-692, eff. 1-1-05; 94-243, eff. 1-1-06; 94-482,
5 eff. 1-1-06; revised 12-15-05.)

6 Section 5. The Rights of Crime Victims and Witnesses Act is
7 amended by changing Sections 3, 4, and 6 as follows:

8 (725 ILCS 120/3) (from Ch. 38, par. 1403)

9 Sec. 3. The terms used in this Act, unless the context
10 clearly requires otherwise, shall have the following meanings:

11 (a) "Crime victim" means (1) a person physically injured in
12 this State as a result of a violent crime perpetrated or
13 attempted against that person or (2) a person who suffers
14 injury to or loss of property as a result of a violent crime
15 perpetrated or attempted against that person or (3) a single
16 representative who may be the spouse, parent, child or sibling
17 of a person killed as a result of a violent crime perpetrated
18 against the person killed or the spouse, parent, child or
19 sibling of any person granted rights under this Act who is
20 physically or mentally incapable of exercising such rights,
21 except where the spouse, parent, child or sibling is also the
22 defendant or prisoner or (4) any person against whom a violent
23 crime has been committed or (5) any person who has suffered
24 personal injury as a result of a violation of Section 11-501 of

1 the Illinois Vehicle Code, or of a similar provision of a local
2 ordinance, or of Section 9-3 of the Criminal Code of 1961, as
3 amended or (6) in proceedings under the Juvenile Court Act of
4 1987, both parents, legal guardians, foster parents, or a
5 single adult representative of a ~~deceased~~ minor or disabled
6 person who is a crime victim;

7 (b) "Witness" means any person who personally observed the
8 commission of a violent crime and who will testify on behalf of
9 the State of Illinois in the criminal prosecution of the
10 violent crime;

11 (c) "Violent Crime" means any felony in which force or
12 threat of force was used against the victim, or any offense
13 involving sexual exploitation, sexual conduct or sexual
14 penetration, domestic battery, violation of an order of
15 protection, stalking, or any misdemeanor which results in death
16 or great bodily harm to the victim or any violation of Section
17 9-3 of the Criminal Code of 1961, or Section 11-501 of the
18 Illinois Vehicle Code, or a similar provision of a local
19 ordinance, if the violation resulted in personal injury or
20 death, and includes any action committed by a juvenile that
21 would be a violent crime if committed by an adult. For the
22 purposes of this paragraph, "personal injury" shall include any
23 Type A injury as indicated on the traffic accident report
24 completed by a law enforcement officer that requires immediate
25 professional attention in either a doctor's office or medical
26 facility. A type A injury shall include severely bleeding

1 wounds, distorted extremities, and injuries that require the
2 injured party to be carried from the scene;

3 (d) "Sentencing Hearing" means any hearing where a sentence
4 is imposed by the court on a convicted defendant and includes
5 hearings conducted pursuant to Sections 5-6-4, 5-6-4.1, 5-7-2
6 and 5-7-7 of the Unified Code of Corrections except those cases
7 in which both parties have agreed to the imposition of a
8 specific sentence.

9 (e) "Court proceedings" includes the preliminary hearing,
10 any hearing the effect of which may be the release of the
11 defendant from custody or to alter the conditions of bond, the
12 trial, sentencing hearing, notice of appeal, any modification
13 of sentence, probation revocation hearings or parole hearings.
14 (Source: P.A. 94-271, eff. 1-1-06.)

15 (725 ILCS 120/4) (from Ch. 38, par. 1404)

16 Sec. 4. Rights of crime victims.

17 (a) Crime victims shall have the following rights:

18 (1) The right to be treated with fairness and respect
19 for their dignity and privacy throughout the criminal
20 justice process.

21 (2) The right to notification of court proceedings.

22 (3) The right to communicate with the prosecution.

23 (4) The right to make a statement to the court at
24 sentencing.

25 (5) The right to information about the conviction,

1 sentence, imprisonment and release of the accused.

2 (6) The right to the timely disposition of the case
3 following the arrest of the accused.

4 (7) The right to be reasonably protected from the
5 accused through the criminal justice process.

6 (8) The right to be present at the trial and all other
7 court proceedings on the same basis as the accused, unless
8 the victim is to testify and the court determines that the
9 victim's testimony would be materially affected if the
10 victim hears other testimony at the trial.

11 (9) the right to have present at all court proceedings,
12 including proceedings under the Juvenile Court Act of 1987,
13 subject to the admonition of the rules of confidentiality
14 and subject to the rules of evidence, a victim-witness
15 specialist, an advocate or other support person of the
16 victim's choice.

17 (10) The right to restitution.

18 (b) A statement and explanation of the rights of crime
19 victims set forth in paragraph (a) of this Section shall be
20 given to a crime victim at the initial contact with the
21 criminal justice system by the appropriate authorities and
22 shall be conspicuously posted in all court facilities.

23 (Source: P.A. 87-224; 88-489.)

24 (725 ILCS 120/6) (from Ch. 38, par. 1406)

25 Sec. 6. Rights to present victim impact statement.

1 (a) In any case where a defendant has been convicted of a
2 violent crime or a juvenile has been adjudicated a delinquent
3 for a violent crime and a victim of the violent crime or the
4 victim's spouse, guardian, parent, grandparent, or other
5 immediate family or household member is present in the
6 courtroom at the time of the sentencing or the disposition
7 hearing, the victim or his or her representative shall have the
8 right and the victim's spouse, guardian, parent, grandparent,
9 and other immediate family or household member upon his, her,
10 or their request may be permitted by the court to address the
11 court regarding the impact that the defendant's criminal
12 conduct or the juvenile's delinquent conduct has had upon them
13 and the victim. The court has discretion to determine the
14 number of oral presentations of victim impact statements. Any
15 impact statement must have been prepared in writing in
16 conjunction with the Office of the State's Attorney prior to
17 the initial hearing or sentencing, before it can be presented
18 orally or in writing at the sentencing hearing. In conjunction
19 with the Office of the State's Attorney, a victim impact
20 statement that is presented orally may be done so by the victim
21 or the victim's spouse, guardian, parent, grandparent, or other
22 immediate family or household member or his, her, or their
23 representative. At the sentencing hearing, the prosecution may
24 introduce that evidence either in its case in chief or in
25 rebuttal. The court shall consider any impact statement
26 admitted along with all other appropriate factors in

1 determining the sentence of the defendant or disposition of
2 such juvenile.

3 (b) The crime victim has the right to prepare a victim
4 impact statement and present it to the Office of the State's
5 Attorney at any time during the proceedings. Any written victim
6 impact statement submitted to the Office of the State's
7 Attorney shall be considered by the court during its
8 consideration of aggravation and mitigation in plea
9 proceedings under Supreme Court Rule 402.

10 (c) This Section shall apply to any victims of a violent
11 crime during any dispositional hearing under Section 5-705 of
12 the Juvenile Court Act of 1987 which takes place pursuant to an
13 adjudication or trial or plea of delinquency for any such
14 offense.

15 (Source: P.A. 92-412, eff. 1-1-02; 93-819, eff. 7-27-04.)

16 Section 99. Effective date. Section 2 and this Section take
17 effect upon becoming law.