

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 12-2 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 willfully failing or refusing to  
10 comply with any lawful order or direction of any authorized  
11 police officer or traffic control aide engaged in traffic  
12 control, the penalty is a Class 2 felony, for which a person,  
13 if 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-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 willfully failing or refusing to comply with any lawful order  
21 or direction of any authorized police officer or traffic  
22 control aide engaged in traffic control ~~and caused the deaths~~  
23 ~~of 2 or more persons as part of a single course of conduct~~, the  
24 penalty is a Class 2 felony, for which a person, if sentenced  
25 to a term of imprisonment, shall be sentenced to a term of not  
26 less than 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 99. Effective date. This Act takes effect upon  
7 becoming law.