



Rep. Luis Arroyo

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09500HB4861ham001

LRB095 15331 RLC 49566 a

1 AMENDMENT TO HOUSE BILL 4861

2 AMENDMENT NO. _____. Amend House Bill 4861 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 1961 is amended by
5 changing Sections 9-3 and 12-5 as follows:

6 (720 ILCS 5/9-3) (from Ch. 38, par. 9-3)

7 (Text of Section after amendment by P.A. 95-467, 95-551,
8 and 95-587)

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

10 (a) A person who unintentionally kills an individual
11 without lawful justification commits involuntary manslaughter
12 if his acts whether lawful or unlawful which cause the death
13 are such as are likely to cause death or great bodily harm to
14 some individual, and he performs them recklessly, except in
15 cases in which the cause of the death consists of the driving
16 of a motor vehicle or operating a snowmobile, all-terrain

1 vehicle, or watercraft, in which case the person commits
2 reckless homicide. A person commits reckless homicide if he or
3 she unintentionally kills an individual while driving a vehicle
4 and using an incline in a roadway, such as a railroad crossing,
5 bridge approach, or hill, to cause the vehicle to become
6 airborne.

7 (b) (Blank).

8 (c) (Blank).

9 (d) Sentence.

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

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

12 (e) (Blank).

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

20 (e-3) In cases involving reckless homicide in which (i) the
21 offense is committed upon a public thoroughfare where children
22 pass going to and from school when a school crossing guard is
23 performing official duties and (ii) the defendant causes the
24 deaths of 2 or more persons as part of a single course of
25 conduct, the penalty is a Class 2 felony, for which a person,
26 if sentenced to a term of imprisonment, shall be sentenced to a

1 term of not less than 6 years and not more than 28 years.

2 (e-5) (Blank).

3 (e-7) Except as otherwise provided in subsection (e-8), in
4 cases involving reckless homicide in which the defendant: (1)
5 was driving in a construction or maintenance zone, as defined
6 in Section 11-605.1 of the Illinois Vehicle Code, or (2) was
7 operating a vehicle while failing or refusing to comply with
8 any lawful order or direction of any authorized police officer
9 or traffic control aide engaged in traffic control, the penalty
10 is a Class 2 felony, for which a person, if sentenced to a term
11 of imprisonment, shall be sentenced to a term of not less than
12 3 years and not more than 14 years.

13 (e-8) In cases involving reckless homicide in which the
14 defendant caused the deaths of 2 or more persons as part of a
15 single course of conduct and: (1) was driving in a construction
16 or maintenance zone, as defined in Section 11-605.1 of the
17 Illinois Vehicle Code, or (2) was operating a vehicle while
18 failing or refusing to comply with any lawful order or
19 direction of any authorized police officer or traffic control
20 aide engaged in traffic control, the penalty is a Class 2
21 felony, for which a person, if sentenced to a term of
22 imprisonment, shall be sentenced to a term of not less than 6
23 years and not more than 28 years.

24 (e-9) In cases involving reckless homicide in which the
25 defendant drove a vehicle and used an incline in a roadway,
26 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 (e-10) In cases involving involuntary manslaughter or
5 reckless homicide resulting in the death of a peace officer
6 killed in the performance of his or her duties as a peace
7 officer, the penalty is a Class 2 felony.

8 (e-11) ~~(e-10)~~ In cases involving reckless homicide in which
9 the defendant unintentionally kills an individual while
10 driving in a posted school zone, as defined in Section 11-605
11 of the Illinois Vehicle Code, while children are present or in
12 a construction or maintenance zone, as defined in Section
13 11-605.1 of the Illinois Vehicle Code, when construction or
14 maintenance workers are present the trier of fact may infer
15 that the defendant's actions were performed recklessly where he
16 or she was also either driving at a speed of more than 20 miles
17 per hour in excess of the posted speed limit or violating
18 Section 11-501 of the Illinois Vehicle Code.

19 (e-12) In cases involving reckless homicide in which a
20 person or persons were killed as a result of the defendant's
21 reckless operation of a motor vehicle on a highway and the
22 victim or victims of the offense were vulnerable users of a
23 public way, the penalty shall be a Class 2 felony and is
24 subject to a maximum fine of \$10,000. For the purposes of this
25 subsection (e-12), "vulnerable user of a public way" means a
26 pedestrian, a highway worker, a person riding an animal, or a

1 person operating any of the following on a public way,
2 crosswalk, or shoulder of the highway:

3 (1) A farm tractor or implement of husbandry without an
4 enclosed shell.

5 (2) A skateboard.

6 (3) Roller skates.

7 (4) In-line skates.

8 (5) A scooter.

9 (6) A bicycle.

10 (7) A motorcycle.

11 (f) In cases involving involuntary manslaughter in which
12 the victim was a family or household member as defined in
13 paragraph (3) of Section 112A-3 of the Code of Criminal
14 Procedure of 1963, the penalty shall be a Class 2 felony, for
15 which a person if sentenced to a term of imprisonment, shall be
16 sentenced to a term of not less than 3 years and not more than
17 14 years.

18 (Source: P.A. 95-467, eff. 6-1-08; 95-551, eff. 6-1-08; 95-587,
19 eff. 6-1-08; 95-591, eff. 9-10-07; revised 10-30-07.)

20 (720 ILCS 5/12-5) (from Ch. 38, par. 12-5)

21 Sec. 12-5. Reckless conduct.

22 (a) A person who causes bodily harm to or endangers the
23 bodily safety of an individual by any means, commits reckless
24 conduct if he or she performs recklessly the acts that cause
25 the harm or endanger safety, whether they otherwise are lawful

1 or unlawful.

2 (a-5) A person who causes great bodily harm or permanent
3 disability or disfigurement by any means, commits reckless
4 conduct if he or she performs recklessly the acts that cause
5 the harm, whether they otherwise are lawful or unlawful.

6 (b) Sentence.

7 Reckless conduct under subsection (a) is a Class A
8 misdemeanor. Reckless conduct under subsection (a-5) is a Class
9 4 felony. Reckless conduct in which the person injured or the
10 person whose safety was endangered was a vulnerable user of a
11 public way and the person who caused the injury or who
12 endangered the safety of another person was operating a motor
13 vehicle upon a highway is a Class 4 felony and is subject to a
14 maximum fine of \$10,000.

15 (c) For the purposes of this Section, "vulnerable user of a
16 public way" means a pedestrian, a highway worker, a person
17 riding an animal, or a person operating any of the following on
18 a public way, crosswalk, or shoulder of the highway:

19 (1) A farm tractor or implement of husbandry without an
20 enclosed shell.

21 (2) A skateboard.

22 (3) Roller skates.

23 (4) In-line skates.

24 (5) A scooter.

25 (6) A bicycle.

26 (7) A motorcycle.

1 (Source: P.A. 93-710, eff. 1-1-05.)

2 Section 95. No acceleration or delay. Where this Act makes
3 changes in a statute that is represented in this Act by text
4 that is not yet or no longer in effect (for example, a Section
5 represented by multiple versions), the use of that text does
6 not accelerate or delay the taking effect of (i) the changes
7 made by this Act or (ii) provisions derived from any other
8 Public Act.

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.".