



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

SB0104

Introduced 1/31/2007, by Sen. Ira I. Silverstein

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/9-3

from Ch. 38, par. 9-3

Amends the Criminal Code of 1961. Provides that a person who causes a fatal accident by operating a motor vehicle, all-terrain vehicle, snowmobile, or watercraft while he or she is aware of being fatigued is guilty of reckless homicide. Provides that a person is fatigued if he or she has been without sleep for 24 consecutive hours. Provides that proof that the defendant fell asleep while driving or was driving after having been without sleep for a period in excess of 24 consecutive hours may give rise to an inference that the defendant was driving recklessly. Provides that, if a person commits reckless homicide and is determined to have been knowingly fatigued as an element of the offense, he or she is guilty of a Class 2 felony. Provides that the offender, if sentenced to imprisonment, shall be sentenced to a term of not less than 3 years and not more than 14 years if the offense resulted in the death of one person or not less than 6 years and not more than 28 years if the offense resulted in the deaths of 2 or more persons.

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CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

A BILL FOR

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 Section 9-3 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 (b-1) In cases involving reckless homicide, driving while  
23 the driver is aware that he or she is fatigued constitutes

1 recklessness.

2 As used in this Section, "fatigued" means having been  
3 without sleep for a period in excess of 24 consecutive hours.

4 (b-2) Proof that the defendant fell asleep while driving or  
5 was driving after having been without sleep for a period in  
6 excess of 24 consecutive hours may give rise to an inference  
7 that the defendant was driving recklessly.

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-1) Except as otherwise provided in subsection (e-2), in  
14 cases involving reckless homicide in which the defendant was  
15 determined to have been knowingly fatigued as an element of the  
16 offense, the penalty shall be 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 3 years and not more than  
19 14 years.

20 (e-2) In cases involving reckless homicide in which the  
21 defendant was determined to have been knowingly fatigued as an  
22 element of the offense, if the defendant kills 2 or more  
23 individuals 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-5) (Blank).

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

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

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

23 (f) In cases involving involuntary manslaughter in which  
24 the victim was a family or household member as defined in  
25 paragraph (3) of Section 112A-3 of the Code of Criminal  
26 Procedure of 1963, the penalty shall be a Class 2 felony, for

1 which a person if sentenced to a term of imprisonment, shall be  
2 sentenced to a term of not less than 3 years and not more than  
3 14 years.

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