

SB0363



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB0363

Introduced 2/7/2007, by Sen. William R. Haine

SYNOPSIS AS INTRODUCED:

720 ILCS 5/9-3

from Ch. 38, par. 9-3

Amends the Criminal Code of 1961. Provides that a person commits reckless homicide if he or she unintentionally kills an individual while driving in a posted school zone or in a construction or maintenance zone and he or she was also either driving at a speed of more than 10 miles per hour in excess of the posted speed limit or driving under the influence of alcohol or other drugs. Corrects erroneous cross references in the statute concerning reckless homicide.

LRB095 10479 RLC 30694 b

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 (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 11-605.1 ~~11-605~~ of the Illinois Vehicle Code, the
9 penalty is a Class 2 felony, for which a person, if sentenced
10 to a term of imprisonment, shall be sentenced to a term of not
11 less than 3 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 11-605.1 ~~11-605~~ of the Illinois Vehicle
15 Code, and caused the deaths of 2 or more persons as part of a
16 single course of conduct, the penalty is a Class 2 felony, for
17 which a person, if sentenced to a term of imprisonment, shall
18 be sentenced to a term of not less than 6 years and not more
19 than 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 (e-10) A person commits reckless homicide if he or she

1 unintentionally kills an individual while driving in a posted
2 school zone, as defined in Section 11-605 of the Illinois
3 Vehicle Code, or in a construction or maintenance zone, as
4 defined in Section 11 605.1 of the Illinois Vehicle Code, and
5 he or she was also either driving at a speed of more than 10
6 miles per hour in excess of the posted speed limit or violating
7 Section 11-501 of the Illinois Vehicle Code.

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

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