



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

SB1860

Introduced 8/8/2007, by Sen. Martin A. Sandoval

#### SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-213 new  
720 ILCS 5/9-3

from Ch. 38, par. 9-3

Amends the Illinois Vehicle Code. Provides that an officer of a fire department, in the performance of his or her official duties, has the authority to close to traffic a highway, or a lane or lanes of a highway, as necessary to protect the safety of persons or property. Amends the Criminal Code of 1961. Increases the penalties for the offense of reckless homicide if the offense is committed as a result of failing to follow the procedures required when approaching a stationary authorized emergency vehicle. Further increases the penalties if the defendant causes the deaths of 2 or more persons as part of a single course of conduct.

LRB095 12936 DRH 38516 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning transportation, which may be referred to  
2 as James "Shib" Miller and William Grant's Law.

3 **Be it enacted by the People of the State of Illinois,**  
4 **represented in the General Assembly:**

5 Section 5. The Illinois Vehicle Code is amended by adding  
6 Section 11-213 as follows:

7 (625 ILCS 5/11-213 new)

8 Sec. 11-213. Power of a fire department officer; highway or  
9 lane closure. An officer of a fire department, in the  
10 performance of his or her official duties, has the authority to  
11 close to traffic a highway, or a lane or lanes of a highway, as  
12 necessary to protect the safety of persons or property.

13 Section 10. The Criminal Code of 1961 is amended by  
14 changing Section 9-3 as follows:

15 (720 ILCS 5/9-3) (from Ch. 38, par. 9-3)

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

17 (a) A person who unintentionally kills an individual  
18 without lawful justification commits involuntary manslaughter  
19 if his acts whether lawful or unlawful which cause the death  
20 are such as are likely to cause death or great bodily harm to  
21 some individual, and he performs them recklessly, except in

1 cases in which the cause of the death consists of the driving  
2 of a motor vehicle or operating a snowmobile, all-terrain  
3 vehicle, or watercraft, in which case the person commits  
4 reckless homicide. A person commits reckless homicide if he or  
5 she unintentionally kills an individual while driving a vehicle  
6 and using an incline in a roadway, such as a railroad crossing,  
7 bridge approach, or hill, to cause the vehicle to become  
8 airborne.

9 (b) (Blank).

10 (c) (Blank).

11 (d) Sentence.

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

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

14 (e) (Blank).

15 (e-1) Except as otherwise provided in subsection (e-2), in  
16 cases involving reckless homicide in which the offense was  
17 committed as result of a violation of subsection (c) of Section  
18 11-907 of the Illinois Vehicle Code, the penalty is a Class 2  
19 felony, for which a person, if sentenced to a term of  
20 imprisonment, shall be sentenced to a term of not less than 3  
21 years and not more than 14 years.

22 (e-2) In cases involving reckless homicide in which the  
23 offense was committed as result of a violation of subsection  
24 (c) of Section 11-907 of the Illinois Vehicle Code and the  
25 defendant caused the deaths of 2 or more persons as part of a  
26 single course of conduct, the penalty is a Class 2 felony, for

1 which a person, if sentenced to a term of imprisonment, shall  
2 be sentenced to a term of not less than 6 years and not more  
3 than 28 years.

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 of the Illinois Vehicle Code, the penalty is a  
9 Class 2 felony, for which a person, if sentenced to a term of  
10 imprisonment, shall be sentenced to a term of not less than 3  
11 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 of the Illinois Vehicle Code, and  
15 caused the deaths of 2 or more persons as part of a single  
16 course of conduct, the penalty is 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 6 years and not more than  
19 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 (f) In cases involving involuntary manslaughter in which

1 the victim was a family or household member as defined in  
2 paragraph (3) of Section 112A-3 of the Code of Criminal  
3 Procedure of 1963, the penalty shall be a Class 2 felony, for  
4 which a person if sentenced to a term of imprisonment, shall be  
5 sentenced to a term of not less than 3 years and not more than  
6 14 years.

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