

SB2488



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB2488

Introduced 2/15/2008, by Sen. Gary Forby

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 19871 WGH 46270 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 (Text of Section after amendment by P.A. 95-467, 95-551,
17 and 95-587)

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

19 (a) A person who unintentionally kills an individual
20 without lawful justification commits involuntary manslaughter
21 if his acts whether lawful or unlawful which cause the death

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

11 (b) (Blank).

12 (c) (Blank).

13 (d) Sentence.

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

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

16 (e) (Blank).

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

24 (e-3) In cases involving reckless homicide in which (i) the
25 offense is committed upon a public thoroughfare where children
26 pass going to and from school when a school crossing guard is

1 performing official duties and (ii) the defendant causes the
2 deaths of 2 or more persons as part of a single course of
3 conduct, the penalty is a Class 2 felony, for which a person,
4 if sentenced to a term of imprisonment, shall be sentenced to a
5 term of not less than 6 years and not more than 28 years.

6 (e-5) (Blank).

7 (e-7) Except as otherwise provided in subsection (e-8), in
8 cases involving reckless homicide in which the defendant: (1)
9 was driving in a construction or maintenance zone, as defined
10 in Section 11-605.1 of the Illinois Vehicle Code, or (2) was
11 operating a vehicle while failing or refusing to comply with
12 any lawful order or direction of any authorized police officer
13 or traffic control aide engaged in traffic control, the penalty
14 is a Class 2 felony, for which a person, if sentenced to a term
15 of imprisonment, shall be sentenced to a term of not less than
16 3 years and not more than 14 years.

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

1 years and not more than 28 years.

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

8 (e-10) In cases involving involuntary manslaughter or
9 reckless homicide resulting in the death of a peace officer
10 killed in the performance of his or her duties as a peace
11 officer, the penalty is a Class 2 felony.

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

23 (e-12) Except as otherwise provided in subsection (e-13),
24 in cases involving reckless homicide in which the offense was
25 committed as result of a violation of subsection (c) of Section
26 11-907 of the Illinois Vehicle Code, the penalty is a Class 2

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

4 (e-13) In cases involving reckless homicide in which the
5 offense was committed as result of a violation of subsection
6 (c) of Section 11-907 of the Illinois Vehicle Code and the
7 defendant caused the deaths of 2 or more persons as part of a
8 single course of conduct, the penalty is a Class 2 felony, for
9 which a person, if sentenced to a term of imprisonment, shall
10 be sentenced to a term of not less than 6 years and not more
11 than 28 years.

12 (f) In cases involving involuntary manslaughter in which
13 the victim was a family or household member as defined in
14 paragraph (3) of Section 112A-3 of the Code of Criminal
15 Procedure of 1963, the penalty shall be a Class 2 felony, for
16 which a person if sentenced to a term of imprisonment, shall be
17 sentenced to a term of not less than 3 years and not more than
18 14 years.

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