



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB0524

Introduced 2/4/2009, by Rep. Lou Lang

SYNOPSIS AS INTRODUCED:

720 ILCS 5/9-3

from Ch. 38, par. 9-3

Amends the Criminal Code of 1961. Provides that the penalty for reckless homicide when the defendant was involved in a motor vehicle, snowmobile, all-terrain vehicle, or watercraft accident that resulted in the death of another person, when the driving under the influence of alcohol or drugs was a proximate cause of the death is a Class 2 felony, for which the defendant, unless the court determines that extraordinary circumstances exist and require probation, shall be sentenced to: (i) a term of imprisonment of not less than 3 years and not more than 14 years if the violation resulted in the death of one person; or (ii) a term of imprisonment of not less than 6 years and not more than 28 years if the violation resulted in the deaths of 2 or more persons. Provides that in such cases, the trier of fact may infer that the defendant's actions were performed recklessly. Effective immediately.

LRB096 04552 RLC 14607 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-2) Except as provided in subsection (e-3), in cases
5 involving reckless homicide in which the offense is committed
6 upon a public thoroughfare where children pass going to and
7 from school when a school crossing guard is performing official
8 duties, the penalty is a Class 2 felony, for which a person, if
9 sentenced to a term of imprisonment, shall be sentenced to a
10 term of not less than 3 years and not more than 14 years.

11 (e-3) In cases involving reckless homicide in which (i) the
12 offense is committed upon a public thoroughfare where children
13 pass going to and from school when a school crossing guard is
14 performing official duties and (ii) the defendant causes the
15 deaths of 2 or more persons as part of a single course of
16 conduct, the penalty is a Class 2 felony, for which a person,
17 if sentenced to a term of imprisonment, shall be sentenced to a
18 term of not less than 6 years and not more than 28 years.

19 (e-5) (Blank).

20 (e-7) Except as otherwise provided in subsection (e-8), in
21 cases involving reckless homicide in which the defendant: (1)
22 was driving in a construction or maintenance zone, as defined
23 in Section 11-605.1 of the Illinois Vehicle Code, or (2) was
24 operating a vehicle while failing or refusing to comply with
25 any lawful order or direction of any authorized police officer
26 or traffic control aide engaged in traffic control, the penalty

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

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

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

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

25 (e-11) In cases involving reckless homicide in which the
26 defendant unintentionally kills an individual while driving in

1 a posted school zone, as defined in Section 11-605 of the
2 Illinois Vehicle Code, while children are present or in a
3 construction or maintenance zone, as defined in Section
4 11-605.1 of the Illinois Vehicle Code, when construction or
5 maintenance workers are present the trier of fact may infer
6 that the defendant's actions were performed recklessly where he
7 or she was also either driving at a speed of more than 20 miles
8 per hour in excess of the posted speed limit or violating
9 Section 11-501 of the Illinois Vehicle Code.

10 (e-12) Except as otherwise provided in subsection (e-13),
11 in cases involving reckless homicide in which the offense was
12 committed as result of a violation of subsection (c) of Section
13 11-907 of the Illinois Vehicle Code, the penalty is a Class 2
14 felony, for which a person, if sentenced to a term of
15 imprisonment, shall be sentenced to a term of not less than 3
16 years and not more than 14 years.

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

25 (e-14) ~~(e-12)~~ In cases involving reckless homicide in which
26 the defendant unintentionally kills an individual, the trier of

1 fact may infer that the defendant's actions were performed
2 recklessly where he or she was also violating subsection (c) of
3 Section 11-907 of the Illinois Vehicle Code. The penalty for a
4 reckless homicide in which the driver also violated subsection
5 (c) of Section 11-907 of the Illinois Vehicle Code is a Class 2
6 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 (f) In cases involving involuntary manslaughter in which
10 the victim was a family or household member as defined in
11 paragraph (3) of Section 112A-3 of the Code of Criminal
12 Procedure of 1963, the penalty shall be a Class 2 felony, for
13 which a person if sentenced to a term of imprisonment, shall be
14 sentenced to a term of not less than 3 years and not more than
15 14 years.

16 (g) In cases involving reckless homicide in which the
17 defendant unintentionally kills an individual, the trier of
18 fact may infer that the defendant's actions were performed
19 recklessly where he or she was also violating subparagraph (F)
20 of paragraph (1) of subsection (d) of Section 11-501 of the
21 Illinois Vehicle Code. The penalty for a reckless homicide in
22 which the driver also violated subparagraph (F) of paragraph
23 (1) of subsection (d) of Section 11-501 of the Illinois Vehicle
24 Code is a Class 2 felony, for which the defendant, unless the
25 court determines that extraordinary circumstances exist and
26 require probation, shall be sentenced to: (i) a term of

1 imprisonment of not less than 3 years and not more than 14
2 years if the violation resulted in the death of one person; or
3 (ii) a term of imprisonment of not less than 6 years and not
4 more than 28 years if the violation resulted in the deaths of 2
5 or more persons.

6 (Source: P.A. 95-467, eff. 6-1-08; 95-551, eff. 6-1-08; 95-587,
7 eff. 6-1-08; 95-591, eff. 9-10-07; 95-803, eff. 1-1-09; 95-876,
8 eff. 8-21-08; 95-884, eff. 1-1-09; revised 12-9-08.)

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