

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 (3) If a person is found to have killed more than one  
4 person pursuant to this Section separate sentences may be  
5 imposed for the death of each person and those sentences  
6 shall be served consecutively pursuant to subsection (b) of  
7 Section 5-8-4 of the Unified Code of Corrections.

8 (e) (Blank).

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

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

24 (e-5) (Blank).

25 (e-7) Except as otherwise provided in subsection (e-8), in  
26 cases involving reckless homicide in which the defendant: (1)

1 was driving in a construction or maintenance zone, as defined  
2 in Section 11-605.1 of the Illinois Vehicle Code, or (2) was  
3 operating a vehicle while failing or refusing to comply with  
4 any lawful order or direction of any authorized police officer  
5 or traffic control aide engaged in traffic control, the penalty  
6 is a Class 2 felony, for which a person, if sentenced to a term  
7 of imprisonment, shall be sentenced to a term of not less than  
8 3 years and not more than 14 years.

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

1 reckless homicide resulting in the death of a peace officer  
2 killed in the performance of his or her duties as a peace  
3 officer, the penalty is a Class 2 felony.

4 (e-11) In cases involving reckless homicide in which the  
5 defendant unintentionally kills an individual while driving in  
6 a posted school zone, as defined in Section 11-605 of the  
7 Illinois Vehicle Code, while children are present or in a  
8 construction or maintenance zone, as defined in Section  
9 11-605.1 of the Illinois Vehicle Code, when construction or  
10 maintenance workers are present the trier of fact may infer  
11 that the defendant's actions were performed recklessly where he  
12 or she was also either driving at a speed of more than 20 miles  
13 per hour in excess of the posted speed limit or violating  
14 Section 11-501 of the Illinois Vehicle Code.

15 (e-12) Except as otherwise provided in subsection (e-13),  
16 in 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-13) 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-14) ~~(e-12)~~ In cases involving reckless homicide in which  
5 the defendant unintentionally kills an individual, the trier of  
6 fact may infer that the defendant's actions were performed  
7 recklessly where he or she was also violating subsection (c) of  
8 Section 11-907 of the Illinois Vehicle Code. The penalty for a  
9 reckless homicide in which the driver also violated subsection  
10 (c) of Section 11-907 of the Illinois Vehicle Code is a Class 2  
11 felony, for which a person, if sentenced to a term of  
12 imprisonment, shall be sentenced to a term of not less than 3  
13 years and not more than 14 years.

14 (f) In cases involving involuntary manslaughter in which  
15 the victim was a family or household member as defined in  
16 paragraph (3) of Section 112A-3 of the Code of Criminal  
17 Procedure of 1963, the penalty shall be a Class 2 felony, for  
18 which a person if sentenced to a term of imprisonment, shall be  
19 sentenced to a term of not less than 3 years and not more than  
20 14 years.

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

24 Section 99. Effective date. This Act takes effect upon  
25 becoming law.