

1 AN ACT in relation to 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  
5 changing 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  
8 Homicide.

9 (a) A person who unintentionally kills an individual  
10 without lawful justification commits involuntary manslaughter  
11 if his acts whether lawful or unlawful which cause the death  
12 are such as are likely to cause death or great bodily harm to  
13 some individual, and he performs them recklessly, except in  
14 cases in which the cause of the death consists of the driving  
15 of a motor vehicle or operating a snowmobile, all-terrain  
16 vehicle, or watercraft, in which case the person commits  
17 reckless homicide.

18 (b) In cases involving reckless homicide, being under  
19 the influence of alcohol or any other drug or drugs at the  
20 time of the alleged violation shall be presumed to be  
21 evidence of a reckless act unless disproved by evidence to  
22 the contrary.

23 (c) For the purposes of this Section, a person shall be  
24 considered to be under the influence of alcohol or other  
25 drugs while:

26 1. The alcohol concentration in the person's blood  
27 or breath is 0.08 or more based on the definition of  
28 blood and breath units in Section 11-501.2 of the  
29 Illinois Vehicle Code;

30 2. Under the influence of alcohol to a degree that  
31 renders the person incapable of safely driving a motor

1 vehicle or operating a snowmobile, all-terrain vehicle,  
2 or watercraft;

3 3. Under the influence of any other drug or  
4 combination of drugs to a degree that renders the person  
5 incapable of safely driving a motor vehicle or operating  
6 a snowmobile, all-terrain vehicle, or watercraft; or

7 4. Under the combined influence of alcohol and any  
8 other drug or drugs to a degree which renders the person  
9 incapable of safely driving a motor vehicle or operating  
10 a snowmobile, all-terrain vehicle, or watercraft;

11 5. Under the influence of any intoxicating compound  
12 or combination of intoxicating compounds to a degree that  
13 renders the person incapable of safely driving a motor  
14 vehicle or operating a snowmobile, all-terrain vehicle,  
15 or watercraft; or

16 6. There is any amount of a drug, substance, or  
17 compound in the person's breath, blood, or urine  
18 resulting from the unlawful use or consumption of  
19 cannabis listed in the Cannabis Control Act, a controlled  
20 substance listed in the Illinois Controlled Substances  
21 Act, or an intoxicating compound listed in the Use of  
22 Intoxicating Compounds Act.

23 (d) Sentence.

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

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

26 (e) Except as otherwise provided in subsection (e-5), in  
27 cases involving reckless homicide in which the defendant was  
28 determined to have been under the influence of alcohol or any  
29 other drug or drugs as an element of the offense, or in cases  
30 in which the defendant is proven beyond a reasonable doubt to  
31 have been under the influence of alcohol or any other drug or  
32 drugs, the penalty shall be a Class 1 2 felony, for which a  
33 person, if sentenced to a term of imprisonment, shall be  
34 sentenced to a term of not less than 4 3 years and not more

1 than 30 ~~14~~ years.

2 (e-5) In cases involving reckless homicide in which the  
3 defendant was determined to have been under the influence of  
4 alcohol or any other drug or drugs as an element of the  
5 offense, or in cases in which the defendant is proven beyond  
6 a reasonable doubt to have been under the influence of  
7 alcohol or any other drug or drugs, if the defendant kills 2  
8 or more individuals as part of a single course of conduct,  
9 the penalty is a Class 1 ~~2~~ felony, for which a person, if  
10 sentenced to a term of imprisonment, shall be sentenced to a  
11 term of not less than 8 ~~6~~ years and not more than 60 ~~28~~  
12 years.

13 (f) In cases involving involuntary manslaughter in which  
14 the victim was a family or household member as defined in  
15 paragraph (3) of Section 112A-3 of the Code of Criminal  
16 Procedure of 1963, the penalty shall be 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 3 years and not more  
19 than 14 years.

20 (Source: P.A. 90-43, eff. 7-2-97; 90-119, eff. 1-1-98;  
21 90-655, eff. 7-30-98; 91-6, eff. 1-1-00; 91-122, eff. 1-1-00;  
22 revised 10-8-99.)

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