

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 (d) Sentence.

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

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

14 (e) Except as otherwise provided in subsections  
15 subsection (e-5) and (e-6), in cases involving reckless  
16 homicide in which the defendant was determined to have been  
17 under the influence of alcohol or any other drug or drugs as  
18 an element of the offense, or in cases in which the defendant  
19 is proven beyond a reasonable doubt to have been under the  
20 influence of alcohol or any other drug or drugs, the penalty  
21 shall be a Class 2 felony, for which a person, if sentenced  
22 to a term of imprisonment, shall be sentenced to a term of  
23 not less than 3 years and not more than 14 years.

24 (e-5) In cases involving reckless homicide in which the  
25 defendant was determined to have been under the influence of  
26 alcohol or any other drug or drugs as an element of the  
27 offense, or in cases in which the defendant is proven beyond  
28 a reasonable doubt to have been under the influence of  
29 alcohol or any other drug or drugs, if the defendant kills 2  
30 or more individuals as part of a single course of conduct,  
31 the penalty is a Class 2 felony, for which a person, if  
32 sentenced to a term of imprisonment, shall be sentenced to a  
33 term of not less than 6 years and not more than 28 years.

34 (e-6) In cases involving reckless homicide the penalty

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

4 (1) if the victim of the reckless homicide was any  
5 of the following persons killed while performing his or  
6 her official duties: (i) a peace officer; (ii) a fireman;  
7 (iii) an emergency medical technician-ambulance; (iv) an  
8 emergency medical technician-intermediate; (v) an  
9 emergency medical technician-paramedic; or (vi) an  
10 ambulance driver; and

11 (2) if the defendant was determined to have been  
12 under the influence of alcohol or any other drug or drugs  
13 as an element of the offense, or in cases in  
14 which the defendant is proven beyond a reasonable  
15 doubt to have been under the influence of alcohol or any  
16 other drug or drugs.

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

24 (Source: P.A. 90-43, eff. 7-2-97; 90-119, eff. 1-1-98;  
25 90-655, eff. 7-30-98; 91-6, eff. 1-1-00; 91-122, eff. 1-1-00;  
26 revised 10-8-99.)