92_HB1958 LRB9207449DHmb

- 1 AN ACT in relation to vehicles.
- 2 Be it enacted by the People of the State of Illinois,
- 3 represented in the General Assembly:
- 4 Section 5. The Illinois Vehicle Code is amended by
- 5 adding Sections 11-503.1 and 11-503.2 as follows:
- 6 (625 ILCS 5/11-503.1 new)
- 7 Sec. 11-503.1. Vehicular assault.
- 8 (a) A person commits vehicular assault when he or she,
- 9 with the intent to damage any property or injure any person
- or to place any person in reasonable apprehension of bodily
- 11 <u>injury</u>, knowingly operates a motor vehicle in a manner likely
- 12 to cause damage to any property or injury to any person and
- endangers the safety of any person.
- (b) Vehicular assault is a Class 3 felony.
- 15 (625 ILCS 5/11-503.2 new)
- Sec. 11-503.2. Negligent driving.
- 17 <u>(a) A person commits negligent driving when he or she</u>
- 18 <u>operates a motor vehicle carelessly or without exercising due</u>
- 19 <u>care for the safety of others or in a manner that endangers</u>
- 20 any property or any person, including the driver or
- 21 passengers of the vehicle.
- 22 (b) Negligent driving is a Class B misdemeanor. A
- 23 <u>second or subsequent offense of negligent driving is a Class</u>
- 24 <u>A misdemeanor</u>.
- 25 Section 10. The Criminal Code of 1961 is amended by
- 26 changing Section 9-3 as follows:
- 27 (720 ILCS 5/9-3) (from Ch. 38, par. 9-3)
- Sec. 9-3. Involuntary Manslaughter and Reckless

- 1 Homicide.
- 2 (a) A person who unintentionally kills an individual
- 3 without lawful justification commits involuntary manslaughter
- 4 if his acts whether lawful or unlawful which cause the death
- 5 are such as are likely to cause death or great bodily harm to
- 6 some individual, and he performs them recklessly, except in
- 7 cases in which the cause of the death consists of the driving
- 8 of a motor vehicle or operating a snowmobile, all-terrain
- 9 vehicle, or watercraft, in which case the person commits
- 10 reckless homicide.
- 11 (b) In cases involving reckless homicide, being under
- 12 the influence of alcohol or any other drug or drugs at the
- 13 time of the alleged violation shall be presumed to be
- 14 evidence of a reckless act unless disproved by evidence to
- 15 the contrary.
- 16 (c) For the purposes of this Section, a person shall be
- 17 considered to be under the influence of alcohol or other
- 18 drugs while:
- 1. The alcohol concentration in the person's blood
- or breath is 0.08 or more based on the definition of
- 21 blood and breath units in Section 11-501.2 of the
- 22 Illinois Vehicle Code;
- 2. Under the influence of alcohol to a degree that
- renders the person incapable of safely driving a motor
- vehicle or operating a snowmobile, all-terrain vehicle,
- or watercraft;
- 3. Under the influence of any other drug or
- combination of drugs to a degree that renders the person
- incapable of safely driving a motor vehicle or operating
- a snowmobile, all-terrain vehicle, or watercraft; or
- 4. Under the combined influence of alcohol and any
- other drug or drugs to a degree which renders the person
- incapable of safely driving a motor vehicle or operating
- a snowmobile, all-terrain vehicle, or watercraft.

- 1 (d) Sentence.
- 2 (1) Involuntary manslaughter is a Class 3 felony.
- 3 (2) Reckless homicide is a <u>Class 2</u> Class-3 felony.
- (e) Except as otherwise provided in subsection (e-5), in cases involving reckless homicide in which the defendant was determined to have been under the influence of alcohol or any other drug or drugs as an element of the offense, or in cases in which the defendant is proven beyond a reasonable doubt to have been under the influence of alcohol or any other drug or drugs, the penalty shall be a Class 2 felony, for which a
- 11 person, if sentenced to a term of imprisonment, shall be
- 12 sentenced to a term of not less than 3 years and not more
- 13 than 14 years.
- 14 (e-5) In cases involving reckless homicide in which the
- 15 defendant was determined to have been under the influence of
- 16 alcohol or any other drug or drugs as an element of the
- offense, or in cases in which the defendant is proven beyond
- 18 a reasonable doubt to have been under the influence of
- 19 alcohol or any other drug or drugs, if the defendant kills 2
- 20 or more individuals as part of a single course of conduct,
- 21 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 6 years and not more than 28 years.
- 24 (f) In cases involving involuntary manslaughter in which
- 25 the victim was a family or household member as defined in
- 26 paragraph (3) of Section 112A-3 of the Code of Criminal
- 27 Procedure of 1963, the penalty shall be a Class 2 felony, for
- which a person if sentenced to a term of imprisonment, shall
- 29 be sentenced to a term of not less than 3 years and not more
- 30 than 14 years.
- 31 (Source: P.A. 90-43, eff. 7-2-97; 90-119, eff. 1-1-98;
- 32 90-655, eff. 7-30-98; 91-6, eff. 1-1-00; 91-122, eff. 1-1-00;
- 33 revised 10-8-99.)