

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
10 or to place any person in reasonable apprehension of bodily
11 injury, knowingly operates a motor vehicle in a manner likely
12 to cause damage to any property or injury to any person and
13 endangers the safety of any person.

14 (b) Vehicular assault is a Class 3 felony.

15 (625 ILCS 5/11-503.2 new)

16 Sec. 11-503.2. Negligent driving.

17 (a) A person commits negligent driving when he or she
18 operates a motor vehicle carelessly or without exercising due
19 care for the safety of others or in a manner that endangers
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 second or subsequent offense of negligent driving is a Class
24 A misdemeanor.

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)

28 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:

19 1. The alcohol concentration in the person's blood
20 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;

23 2. Under the influence of alcohol to a degree that
24 renders the person incapable of safely driving a motor
25 vehicle or operating a snowmobile, all-terrain vehicle,
26 or watercraft;

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

31 4. Under the combined influence of alcohol and any
32 other drug or drugs to a degree which renders the person
33 incapable of safely driving a motor vehicle or operating
34 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 Class 2 ~~Class-3~~ felony.

4 (e) Except as otherwise provided in subsection (e-5), in
5 cases involving reckless homicide in which the defendant was
6 determined to have been under the influence of alcohol or any
7 other drug or drugs as an element of the offense, or in cases
8 in which the defendant is proven beyond a reasonable doubt to
9 have been under the influence of alcohol or any other drug or
10 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
17 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
28 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.)