

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 (a-5) A person who unintentionally kills an individual  
19 without lawful justification commits involuntary manslaughter  
20 if the acts that cause the death, whether lawful or unlawful,  
21 are committed by a pedestrian on a public roadway, are such  
22 as are likely to cause death or great bodily harm to some  
23 individual, and are performed in a reckless manner.

24 (b) In cases involving reckless homicide, being under  
25 the influence of alcohol or any other drug or drugs at the  
26 time of the alleged violation shall be presumed to be  
27 evidence of a reckless act unless disproved by evidence to  
28 the contrary.

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

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

5           2. Under the influence of alcohol to a degree that  
6 renders the person incapable of safely driving a motor  
7 vehicle or operating a snowmobile, all-terrain vehicle,  
8 or watercraft;

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

13           4. Under the combined influence of alcohol and any  
14 other drug or drugs to a degree which renders the person  
15 incapable of safely driving a motor vehicle or operating  
16 a snowmobile, all-terrain vehicle, or watercraft.

17       (d) Sentence.

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

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

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

30       (e-5) In cases involving reckless homicide in which the  
31 defendant was determined to have been under the influence of  
32 alcohol or any other drug or drugs as an element of the  
33 offense, or in cases in which the defendant is proven beyond  
34 a reasonable doubt to have been under the influence of

1 alcohol or any other drug or drugs, if the defendant kills 2  
2 or more individuals as part of a single course of conduct,  
3 the penalty is a Class 2 felony, for which a person, if  
4 sentenced to a term of imprisonment, shall be sentenced to a  
5 term of not less than 6 years and not more than 28 years.

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

13 (Source: P.A. 91-6, eff. 1-1-00; 91-122, eff. 1-1-00; 92-16,  
14 eff. 6-28-01.)