



Rep. Edward J. Acevedo

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09500HB2758ham001

LRB095 00952 RLC 35593 a

1 AMENDMENT TO HOUSE BILL 2758

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2758 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 1961 is amended by  
5 changing Sections 9-3 and 12-2 as follows:

6 (720 ILCS 5/9-3) (from Ch. 38, par. 9-3)

7 Sec. 9-3. Involuntary Manslaughter and Reckless Homicide.

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

1 she unintentionally kills an individual while driving a vehicle  
2 and using an incline in a roadway, such as a railroad crossing,  
3 bridge approach, or hill, to cause the vehicle to become  
4 airborne.

5 (b) (Blank).

6 (c) (Blank).

7 (d) Sentence.

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

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

10 (e) (Blank).

11 (e-5) (Blank).

12 (e-7) Except as otherwise provided in subsection (e-8), in  
13 cases involving reckless homicide in which the defendant: (1)  
14 was driving in a construction or maintenance zone, as defined  
15 in Section 11-605 of the Illinois Vehicle Code, or (2) was  
16 operating a vehicle while willfully failing or refusing to  
17 comply with any lawful order or direction of any authorized  
18 police officer or traffic control aide engaged in traffic  
19 control, the penalty is a Class 2 felony, for which a person,  
20 if sentenced to a term of imprisonment, shall be sentenced to a  
21 term of not less than 3 years and not more than 14 years.

22 (e-8) In cases involving reckless homicide in which the  
23 defendant caused the deaths of 2 or more persons as part of a  
24 single course of conduct and: (1) was driving in a construction  
25 or maintenance zone, as defined in Section 11-605 of the  
26 Illinois Vehicle Code, or (2) was operating a vehicle while

1 willfully failing or refusing to comply with any lawful order  
2 or direction of any authorized police officer or traffic  
3 control aide engaged in traffic control ~~and caused the deaths~~  
4 ~~of 2 or more persons as part of a single course of conduct,~~ the  
5 penalty is a Class 2 felony, for which a person, if sentenced  
6 to a term of imprisonment, shall be sentenced to a term of not  
7 less than 6 years and not more than 28 years.

8 (e-9) In cases involving reckless homicide in which the  
9 defendant drove a vehicle and used an incline in a roadway,  
10 such as a railroad crossing, bridge approach, or hill, to cause  
11 the vehicle to become airborne, and caused the deaths of 2 or  
12 more persons as part of a single course of conduct, the penalty  
13 is a Class 2 felony.

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

21 (Source: P.A. 92-16, eff. 6-28-01; 93-178, eff. 6-1-04; 93-213,  
22 eff. 7-18-03; 93-682, eff. 1-1-05.)

23 (720 ILCS 5/12-2) (from Ch. 38, par. 12-2)

24 Sec. 12-2. Aggravated assault.

25 (a) A person commits an aggravated assault, when, in

1 committing an assault, he:

2 (1) Uses a deadly weapon or any device manufactured and  
3 designed to be substantially similar in appearance to a  
4 firearm, other than by discharging a firearm in the  
5 direction of another person, a peace officer, a person  
6 summoned or directed by a peace officer, a correctional  
7 officer or a fireman or in the direction of a vehicle  
8 occupied by another person, a peace officer, a person  
9 summoned or directed by a peace officer, a correctional  
10 officer or a fireman while the officer or fireman is  
11 engaged in the execution of any of his official duties, or  
12 to prevent the officer or fireman from performing his  
13 official duties, or in retaliation for the officer or  
14 fireman performing his official duties;

15 (2) Is hooded, robed or masked in such manner as to  
16 conceal his identity or any device manufactured and  
17 designed to be substantially similar in appearance to a  
18 firearm;

19 (3) Knows the individual assaulted to be a teacher or  
20 other person employed in any school and such teacher or  
21 other employee is upon the grounds of a school or grounds  
22 adjacent thereto, or is in any part of a building used for  
23 school purposes;

24 (4) Knows the individual assaulted to be a supervisor,  
25 director, instructor or other person employed in any park  
26 district and such supervisor, director, instructor or

1 other employee is upon the grounds of the park or grounds  
2 adjacent thereto, or is in any part of a building used for  
3 park purposes;

4 (5) Knows the individual assaulted to be a caseworker,  
5 investigator, or other person employed by the Department of  
6 Healthcare and Family Services (formerly State Department  
7 of Public Aid), a County Department of Public Aid, or the  
8 Department of Human Services (acting as successor to the  
9 Illinois Department of Public Aid under the Department of  
10 Human Services Act) and such caseworker, investigator, or  
11 other person is upon the grounds of a public aid office or  
12 grounds adjacent thereto, or is in any part of a building  
13 used for public aid purposes, or upon the grounds of a home  
14 of a public aid applicant, recipient or any other person  
15 being interviewed or investigated in the employees'  
16 discharge of his duties, or on grounds adjacent thereto, or  
17 is in any part of a building in which the applicant,  
18 recipient, or other such person resides or is located;

19 (6) Knows the individual assaulted to be a peace  
20 officer, or a community policing volunteer, or a fireman  
21 while the officer or fireman is engaged in the execution of  
22 any of his official duties, or to prevent the officer,  
23 community policing volunteer, or fireman from performing  
24 his official duties, or in retaliation for the officer,  
25 community policing volunteer, or fireman performing his  
26 official duties, and the assault is committed other than by

1 the discharge of a firearm in the direction of the officer  
2 or fireman or in the direction of a vehicle occupied by the  
3 officer or fireman;

4 (7) Knows the individual assaulted to be an emergency  
5 medical technician - ambulance, emergency medical  
6 technician - intermediate, emergency medical technician -  
7 paramedic, ambulance driver or other medical assistance or  
8 first aid personnel engaged in the execution of any of his  
9 official duties, or to prevent the emergency medical  
10 technician - ambulance, emergency medical technician -  
11 intermediate, emergency medical technician - paramedic,  
12 ambulance driver, or other medical assistance or first aid  
13 personnel from performing his official duties, or in  
14 retaliation for the emergency medical technician -  
15 ambulance, emergency medical technician - intermediate,  
16 emergency medical technician - paramedic, ambulance  
17 driver, or other medical assistance or first aid personnel  
18 performing his official duties;

19 (8) Knows the individual assaulted to be the driver,  
20 operator, employee or passenger of any transportation  
21 facility or system engaged in the business of  
22 transportation of the public for hire and the individual  
23 assaulted is then performing in such capacity or then using  
24 such public transportation as a passenger or using any area  
25 of any description designated by the transportation  
26 facility or system as a vehicle boarding, departure, or

1 transfer location;

2 (9) Or the individual assaulted is on or about a public  
3 way, public property, or public place of accommodation or  
4 amusement;

5 (9.5) Is, or the individual assaulted is, in or about a  
6 publicly or privately owned sports or entertainment arena,  
7 stadium, community or convention hall, special event  
8 center, amusement facility, or a special event center in a  
9 public park during any 24-hour period when a professional  
10 sporting event, National Collegiate Athletic Association  
11 (NCAA)-sanctioned sporting event, United States Olympic  
12 Committee-sanctioned sporting event, or International  
13 Olympic Committee-sanctioned sporting event is taking  
14 place in this venue;

15 (10) Knows the individual assaulted to be an employee  
16 of the State of Illinois, a municipal corporation therein  
17 or a political subdivision thereof, engaged in the  
18 performance of his authorized duties as such employee;

19 (11) Knowingly and without legal justification,  
20 commits an assault on a physically handicapped person;

21 (12) Knowingly and without legal justification,  
22 commits an assault on a person 60 years of age or older;

23 (13) Discharges a firearm;

24 (14) Knows the individual assaulted to be a  
25 correctional officer, while the officer is engaged in the  
26 execution of any of his or her official duties, or to

1 prevent the officer from performing his or her official  
2 duties, or in retaliation for the officer performing his or  
3 her official duties;

4 (15) Knows the individual assaulted to be a  
5 correctional employee or an employee of the Department of  
6 Human Services supervising or controlling sexually  
7 dangerous persons or sexually violent persons, while the  
8 employee is engaged in the execution of any of his or her  
9 official duties, or to prevent the employee from performing  
10 his or her official duties, or in retaliation for the  
11 employee performing his or her official duties, and the  
12 assault is committed other than by the discharge of a  
13 firearm in the direction of the employee or in the  
14 direction of a vehicle occupied by the employee;

15 (16) Knows the individual assaulted to be an employee  
16 of a police or sheriff's department, or a person who is  
17 employed by a municipality and whose duties include traffic  
18 control, engaged in the performance of his or her official  
19 duties as such employee; ~~or~~

20 (17) Knows the individual assaulted to be a sports  
21 official or coach at any level of competition and the act  
22 causing the assault to the sports official or coach  
23 occurred within an athletic facility or an indoor or  
24 outdoor playing field or within the immediate vicinity of  
25 the athletic facility or an indoor or outdoor playing field  
26 at which the sports official or coach was an active



1 participant in the athletic contest held at the athletic  
2 facility. For the purposes of this paragraph (17), "sports  
3 official" means a person at an athletic contest who  
4 enforces the rules of the contest, such as an umpire or  
5 referee; and "coach" means a person recognized as a coach  
6 by the sanctioning authority that conducted the athletic  
7 contest; ~~or~~.

8 (18) Knows the individual assaulted to be an emergency  
9 management worker, while the emergency management worker  
10 is engaged in the execution of any of his or her official  
11 duties, or to prevent the emergency management worker from  
12 performing his or her official duties, or in retaliation  
13 for the emergency management worker performing his or her  
14 official duties, and the assault is committed other than by  
15 the discharge of a firearm in the direction of the  
16 emergency management worker or in the direction of a  
17 vehicle occupied by the emergency management worker.

18 (a-5) A person commits an aggravated assault when he or she  
19 knowingly and without lawful justification shines or flashes a  
20 laser gunsight or other laser device that is attached or  
21 affixed to a firearm, or used in concert with a firearm, so  
22 that the laser beam strikes near or in the immediate vicinity  
23 of any person.

24 (b) Sentence.

25 Aggravated assault as defined in paragraphs (1) through (5)  
26 and (8) through (12) and (17) of subsection (a) of this Section

1 is a Class A misdemeanor. Aggravated assault as defined in  
2 paragraphs (13), (14), and (15) of subsection (a) of this  
3 Section and as defined in subsection (a-5) of this Section is a  
4 Class 4 felony. Aggravated assault as defined in paragraphs  
5 (6), (7), (16), and (18) of subsection (a) of this Section is a  
6 Class A misdemeanor if a firearm is not used in the commission  
7 of the assault. Aggravated assault as defined in paragraphs  
8 (6), (7), (16), and (18) of subsection (a) of this Section is a  
9 Class 4 felony if a firearm is used in the commission of the  
10 assault.

11 (Source: P.A. 93-692, eff. 1-1-05; 94-243, eff. 1-1-06; 94-482,  
12 eff. 1-1-06; revised 12-15-05.)

13 Section 99. Effective date. This Act takes effect upon  
14 becoming law."