

AN ACT in relation to vehicular offenses.

Be it enacted by the People of the State of Illinois,
represented in the General Assembly:

Section 5. The Criminal Code of 1961 is amended by
changing Section 9-3 as follows:

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

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

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

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

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

1. The alcohol concentration in the person's blood
or breath is 0.08 or more based on the definition of
blood and breath units in Section 11-501.2 of the
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.

(d) Sentence.

(1) Involuntary manslaughter is a Class 3 felony.

(2) Reckless homicide is a Class 3 felony.

(e) Except as otherwise provided in subsections subsection (e-5), (e-7), and (e-8), 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 person, if sentenced to a term of imprisonment, shall be sentenced to a term of not less than 3 years and not more than 14 years.

(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, if the defendant kills 2 or more individuals as part of a single course of conduct, the penalty is a Class 2 felony, for which a person, if sentenced to a term of imprisonment, shall be sentenced to a term of not less than 6 years and not more than 28 years.

(e-7) Except as otherwise provided in subsection (e-8),

in cases involving reckless homicide in which the defendant was driving in a construction or maintenance zone, as defined in Section 11-605 of the Illinois Vehicle Code, the penalty is a Class 2 felony, for which a person, if sentenced to a term of imprisonment, shall be sentenced to a term of not less than 3 years and not more than 14 years.

(e-8) In cases involving reckless homicide in which the defendant was driving in a construction or maintenance zone, as defined in Section 11-605 of the Illinois Vehicle Code, and caused the deaths of 2 or more persons as part of a single course of conduct, the penalty is a Class 2 felony, for which a person, if sentenced to a term of imprisonment, shall be sentenced to a term of not less than 6 years and not more than 28 years.

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

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