

1 AN ACT in relation to vehicular offenses.

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 changing Sections 11-503 and 11-605 as follows:

6 (625 ILCS 5/11-503) (from Ch. 95 1/2, par. 11-503)

7 Sec. 11-503. Reckless driving; aggravated reckless  
8 driving; aggravated reckless driving in a construction or  
9 maintenance zone.

10 (a) Any person who drives any vehicle with a willful or  
11 wanton disregard for the safety of persons or property is  
12 guilty of reckless driving.

13 (b) Every person convicted of reckless driving shall be  
14 guilty of a Class A misdemeanor, except as provided under  
15 subsection (c) and subsection (d) of this Section.

16 (c) Every person convicted of committing a violation of  
17 subsection (a) shall be guilty of aggravated reckless driving  
18 if the violation results in great bodily harm or permanent  
19 disability or disfigurement to another. Aggravated reckless  
20 driving is a Class 4 felony, except as provided under  
21 subsection (d) of this Section.

22 (d) A person who violates subsection (a) of this Section  
23 in a construction or maintenance zone, as defined in Section  
24 11-605 of this Code, and as a result of the violation causes  
25 great bodily harm or permanent disability or disfigurement to  
26 a person in the construction or maintenance zone is guilty of  
27 aggravated reckless driving in a construction or maintenance  
28 zone. A violation of subsection (b) of Section 11-605 of this  
29 Code shall be presumed to be evidence that the person was  
30 driving with a willful or wanton disregard for the safety of  
31 persons or property unless disproved by evidence to the

1 contrary.

2 A person convicted of aggravated reckless driving in a  
3 construction or maintenance zone is guilty of a Class 3  
4 felony.

5 (Source: P.A. 88-679, eff. 7-1-95.)

6 (625 ILCS 5/11-605) (from Ch. 95 1/2, par. 11-605)

7 Sec. 11-605. Special speed limit while passing schools or  
8 while traveling through highway construction or maintenance  
9 zones.

10 (a) For the purpose of this Section, "school" means the  
11 following entities:

12 (1) A public or private primary or secondary  
13 school.

14 (2) A primary or secondary school operated by a  
15 religious institution.

16 (3) A public, private, or religious nursery school.

17 On a school day when school children are present and so  
18 close thereto that a potential hazard exists because of the  
19 close proximity of the motorized traffic, no person shall  
20 drive a motor vehicle at a speed in excess of 20 miles per  
21 hour while passing a school zone or while traveling on a  
22 roadway on public school property or upon any public  
23 thoroughfare where children pass going to and from school.

24 For the purpose of this Section a school day shall begin  
25 at seven ante meridian and shall conclude at four post  
26 meridian.

27 This Section shall not be applicable unless appropriate  
28 signs are posted upon streets and highways under their  
29 respective jurisdiction and maintained by the Department,  
30 township, county, park district, city, village or  
31 incorporated town wherein the school zone is located. With  
32 regard to the special speed limit while passing schools, such  
33 signs shall give proper due warning that a school zone is

1 being approached and shall indicate the school zone and the  
2 maximum speed limit in effect during school days when school  
3 children are present.

4 (b) No person shall operate a motor vehicle in a  
5 construction or maintenance zone at a speed in excess of the  
6 posted speed limit when workers are present and so close to  
7 the moving traffic that a potential hazard exists because of  
8 the motorized traffic.

9 (c) Nothing in this Chapter shall prohibit the use of  
10 electronic speed-detecting devices within 500 feet of signs  
11 within a special school speed zone or a construction or  
12 maintenance zone indicating such zone, as defined in this  
13 Section, nor shall evidence obtained thereby be inadmissible  
14 in any prosecution for speeding provided the use of such  
15 device shall apply only to the enforcement of the speed limit  
16 in such special school speed zone or a construction or  
17 maintenance zone.

18 (d) As used in ~~For--the--purpose--of~~ this Section and  
19 Section 11-503, a construction or maintenance zone is an area  
20 in which the Department, Toll Highway Authority, or local  
21 agency has determined that the preexisting established speed  
22 limit through a highway construction or maintenance project  
23 is greater than is reasonable or safe with respect to the  
24 conditions expected to exist in the construction or  
25 maintenance zone and has posted a lower speed limit with a  
26 highway construction or maintenance zone special speed limit  
27 sign.

28 Highway construction or maintenance zone special speed  
29 limit signs shall be of a design approved by the Department.  
30 The signs shall give proper due warning that a construction  
31 or maintenance zone is being approached and shall indicate  
32 the maximum speed limit in effect. The signs shall also  
33 state the amount of the minimum fine for a violation when  
34 workers are present.

1 (e) A first violation of this Section is a petty offense  
2 with a minimum fine of \$150. A second or subsequent  
3 violation of this Section is a petty offense with a minimum  
4 fine of \$300.

5 (f) When a fine for a violation of subsection (a) is  
6 \$150 or greater, the person who violates subsection (a) shall  
7 be charged an additional \$50 to be paid to the unit school  
8 district where the violation occurred for school safety  
9 purposes. If the violation occurred in a dual school  
10 district, \$25 of the surcharge shall be paid to the  
11 elementary school district for school safety purposes and \$25  
12 of the surcharge shall be paid to the high school district  
13 for school safety purposes. Notwithstanding any other  
14 provision of law, the entire \$50 surcharge shall be paid to  
15 the appropriate school district or districts.

16 For purposes of this subsection (f), "school safety  
17 purposes" includes the costs associated with school zone  
18 safety education and the purchase, installation, and  
19 maintenance of caution lights which are mounted on school  
20 speed zone signs.

21 (g) When a fine for a violation of subsection (b) is  
22 \$150 or greater, the person who violates subsection (b) shall  
23 be charged an additional \$50. The \$50 surcharge shall be  
24 deposited into the Transportation Safety Highway Hire-back  
25 Fund.

26 (h) The Transportation Safety Highway Hire-back Fund is  
27 created as a special fund in the State treasury. Subject to  
28 appropriation by the General Assembly and approval by the  
29 Secretary, the Secretary of Transportation shall use all  
30 moneys in the Transportation Safety Highway Hire-back Fund to  
31 hire off-duty Department of State Police officers to monitor  
32 construction or maintenance zones.

33 (Source: P.A. 91-531, eff. 1-1-00; 92-242, eff. 1-1-02;  
34 92-619, eff. 1-1-03; 92-780, eff. 8-6-02; revised 8-22-02.)

1 Section 10. The Criminal Code of 1961 is amended by  
2 changing Section 9-3 as follows:

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

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

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

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

20 (b-5) In cases involving reckless homicide in which the  
21 defendant was driving in a construction or maintenance zone,  
22 as defined in Section 11-605 of the Illinois Vehicle Code,  
23 and caused the death of a person in the construction or  
24 maintenance zone, a violation of subsection (b) of Section  
25 11-605 of the Illinois Vehicle Code shall be presumed to be  
26 evidence of a reckless act unless disproved by evidence to  
27 the contrary.

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

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

1 Illinois Vehicle Code;

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

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

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

14 (d) Sentence.

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

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

17 (e) Except as otherwise provided in subsection (e-5) and  
18 subsection (e-7), in cases involving reckless homicide in  
19 which the defendant was determined to have been under the  
20 influence of alcohol or any other drug or drugs as an element  
21 of the offense, or in cases in which the defendant is proven  
22 beyond a reasonable doubt to have been under the influence of  
23 alcohol or any other drug or drugs, the penalty shall be a  
24 Class 2 felony, for which a person, if sentenced to a term of  
25 imprisonment, shall be sentenced to a term of not less than 3  
26 years and not more than 14 years.

27 (e-5) In cases involving reckless homicide in which the  
28 defendant was determined to have been under the influence of  
29 alcohol or any other drug or drugs as an element of the  
30 offense, or in cases in which the defendant is proven beyond  
31 a reasonable doubt to have been under the influence of  
32 alcohol or any other drug or drugs, if the defendant kills 2  
33 or more individuals as part of a single course of conduct,  
34 the penalty is a Class 2 felony, for which a person, if

1 sentenced to a term of imprisonment, shall be sentenced to a  
2 term of not less than 6 years and not more than 28 years.

3 (e-7) In cases involving reckless homicide in which the  
4 defendant was driving in a construction or maintenance zone,  
5 as defined in Section 11-605 of the Illinois Vehicle Code,  
6 and caused the death of a person in the construction or  
7 maintenance zone, the penalty is a Class 2 felony, for which  
8 a person, if sentenced to a term of imprisonment, shall be  
9 sentenced to a term of not less than 6 years and not more  
10 than 28 years.

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

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