

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

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

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

30 2. Under the influence of alcohol to a degree that
31 renders the person incapable of safely driving a motor

1 vehicle or operating a snowmobile, all-terrain vehicle,
2 or watercraft;

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

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

11 (d) Sentence.

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

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

14 (e) Except as otherwise provided in subsections
15 subsection (e-5), (e-7), and (e-8), in cases involving
16 reckless homicide in which the defendant was determined to
17 have been under the influence of alcohol or any other drug or
18 drugs as an element of the offense, or in cases in which the
19 defendant is proven beyond a reasonable doubt to have been
20 under the influence of alcohol or any other drug or drugs,
21 the penalty shall be 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 3 years and not more than 14 years.

24 (e-5) In cases involving reckless homicide in which the
25 defendant was determined to have been under the influence of
26 alcohol or any other drug or drugs as an element of the
27 offense, or in cases in which the defendant is proven beyond
28 a reasonable doubt to have been under the influence of
29 alcohol or any other drug or drugs, if the defendant kills 2
30 or more individuals as part of a single course of conduct,
31 the penalty is a Class 2 felony, for which a person, if
32 sentenced to a term of imprisonment, shall be sentenced to a
33 term of not less than 6 years and not more than 28 years.

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

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

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

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

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