



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004
HB4006

Introduced 1/13/2004, by Roger L. Eddy

SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-503
720 ILCS 5/9-3

from Ch. 95 1/2, par. 11-503
from Ch. 38, par. 9-3

Amends the Illinois Vehicle Code. Provides that a person violates provisions prohibiting reckless driving and aggravated reckless driving if he or she drives a vehicle and uses an incline in a roadway, such as a railroad crossing, bridge approach, or hill, to cause the vehicle to become airborne. Amends the Criminal Code of 1961. Provides that a person commits reckless homicide if he or she unintentionally kills an individual while driving a vehicle and using such an incline to cause the vehicle to become airborne. Provides that, in cases involving reckless homicide in which the defendant drove a vehicle and used such an incline to cause the vehicle to become airborne and caused the deaths of 2 or more persons as part of a single course of conduct, the penalty is a Class 2 felony.

LRB093 16016 WGH 41640 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning 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 changing
5 Section 11-503 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.

9 (a) A ~~Any~~ person commits reckless driving if he or she:

10 (1) ~~who~~ drives any vehicle with a willful or wanton
11 disregard for the safety of persons or property; or

12 (2) drives a vehicle and uses an incline in a roadway,
13 such as a railroad crossing, bridge approach, or hill, to
14 cause the vehicle to become airborne ~~is guilty of reckless~~
15 driving.

16 (b) Every person convicted of reckless driving shall be
17 guilty of a Class A misdemeanor, except as provided under
18 subsection (c) of this Section.

19 (c) Every person convicted of committing a violation of
20 subsection (a) shall be guilty of aggravated reckless driving
21 if the violation results in great bodily harm or permanent
22 disability or disfigurement to another. Aggravated reckless
23 driving is a Class 4 felony.

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

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

27 (720 ILCS 5/9-3) (from Ch. 38, par. 9-3)

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

29 (a) A person who unintentionally kills an individual
30 without lawful justification commits involuntary manslaughter

1 if his acts whether lawful or unlawful which cause the death
2 are such as are likely to cause death or great bodily harm to
3 some individual, and he performs them recklessly, except in
4 cases in which the cause of the death consists of the driving
5 of a motor vehicle or operating a snowmobile, all-terrain
6 vehicle, or watercraft, in which case the person commits
7 reckless homicide. A person commits reckless homicide if he or
8 she unintentionally kills an individual while driving a vehicle
9 and using an incline in a roadway, such as a railroad crossing,
10 bridge approach, or hill, to cause the vehicle to become
11 airborne.

12 (b) (Blank).

13 (c) (Blank).

14 (d) Sentence.

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

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

17 (e) (Blank). ~~subsections, (e-7), and (e-8)~~

18 (e-5) (Blank).

19 (e-7) Except as otherwise provided in subsection (e-8), in
20 cases involving reckless homicide in which the defendant was
21 driving in a construction or maintenance zone, as defined in
22 Section 11-605 of the Illinois Vehicle Code, the penalty is a
23 Class 2 felony, for which a person, if sentenced to a term of
24 imprisonment, shall be sentenced to a term of not less than 3
25 years and not more than 14 years.

26 (e-8) In cases involving reckless homicide in which the
27 defendant was driving in a construction or maintenance zone, as
28 defined in Section 11-605 of the Illinois Vehicle Code, and
29 caused the deaths of 2 or more persons as part of a single
30 course of conduct, the penalty is a Class 2 felony, for which a
31 person, if sentenced to a term of imprisonment, shall be
32 sentenced to a term of not less than 6 years and not more than
33 28 years.

34 (e-9) In cases involving reckless homicide in which the
35 defendant drove a vehicle and used an incline in a roadway,
36 such as a railroad crossing, bridge approach, or hill, to cause

1 the vehicle to become airborne, and caused the deaths of 2 or
2 more persons as part of a single course of conduct, the penalty
3 is a Class 2 felony.

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

11 (Source: P.A. 92-16, eff. 6-28-01; 93-178, eff. 6-1-04; 93-213,
12 eff. 7-18-03; revised 7-28-03.)