



**93RD GENERAL ASSEMBLY**  
**State of Illinois**  
**2003 and 2004**

Introduced 02/09/04, by John J. Millner

**SYNOPSIS AS INTRODUCED:**

720 ILCS 5/9-3

from Ch. 38, par. 9-3

Amends the Criminal Code of 1961. Provides that in cases of involuntary manslaughter when the victim was 12 years of age or younger, the penalty is a Class 2 felony for which the defendant may be sentenced to a term of imprisonment of not less than 3 years and not more than 14 years.

LRB093 18448 RLC 44159 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

1 AN ACT concerning criminal law.

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 changing  
5 Section 9-3 as follows:

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

7 (Text of Section before amendment by P.A. 93-178)

8 Sec. 9-3. Involuntary Manslaughter and Reckless 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) (Blank).

19 (c) (Blank).

20 (d) Sentence.

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

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

23 (e) (Blank).

24 (e-5) (Blank).

25 (f) In cases involving involuntary manslaughter in which  
26 the victim was a family or household member as defined in  
27 paragraph (3) of Section 112A-3 of the Code of Criminal  
28 Procedure of 1963, the penalty shall be a Class 2 felony, for  
29 which a person if sentenced to a term of imprisonment, shall be  
30 sentenced to a term of not less than 3 years and not more than  
31 14 years.

32 (Source: P.A. 92-16, eff. 6-28-01; 93-213, eff. 7-18-03.)

1 (Text of Section after amendment by P.A. 93-178)

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

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

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 (f) In cases involving involuntary manslaughter in which  
35 the victim was: (1) a family or household member as defined in

1 paragraph (3) of Section 112A-3 of the Code of Criminal  
2 Procedure of 1963 or (2) 12 years of age or younger, the  
3 penalty shall be a Class 2 felony, for which a person if  
4 sentenced to a term of imprisonment, shall be sentenced to a  
5 term of not less than 3 years and not more than 14 years.

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