

1 AN ACT in relation to 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
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, the trier of
19 fact may take into consideration whether or not the
20 defendant's being under the influence of alcohol or any other
21 drug or drugs at the time of the alleged violation was shall
22 ~~be-presumed-to-be~~ evidence of a reckless act ~~unless-disproved~~
23 ~~by-evidence-to-the-contrary~~.

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

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

31 2. Under the influence of alcohol to a degree that

1 renders the person incapable of safely driving a motor
2 vehicle or operating a snowmobile, all-terrain vehicle,
3 or watercraft;

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

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

12 (d) Sentence.

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

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

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

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

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

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

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.