

1 AN ACT concerning transportation.

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 11-907 as follows:

6 (625 ILCS 5/11-907) (from Ch. 95 1/2, par. 11-907)

7 Sec. 11-907. Operation of vehicles and streetcars on
8 approach of authorized emergency vehicles.

9 (a) Upon the immediate approach of an authorized emergency
10 vehicle making use of audible and visual signals meeting the
11 requirements of this Code or a police vehicle properly and
12 lawfully making use of an audible or visual signal,

13 (1) the driver of every other vehicle shall yield the
14 right-of-way and shall immediately drive to a position
15 parallel to, and as close as possible to, the right-hand
16 edge or curb of the highway clear of any intersection and
17 shall, if necessary to permit the safe passage of the
18 emergency vehicle, stop and remain in such position until
19 the authorized emergency vehicle has passed, unless
20 otherwise directed by a police officer and

21 (2) the operator of every streetcar shall immediately
22 stop such car clear of any intersection and keep it in such
23 position until the authorized emergency vehicle has

1 passed, unless otherwise directed by a police officer.

2 (b) This Section shall not operate to relieve the driver of
3 an authorized emergency vehicle from the duty to drive with due
4 regard for the safety of all persons using the highway.

5 (c) Upon approaching a stationary authorized emergency
6 vehicle, when the authorized emergency vehicle is giving a
7 signal by displaying alternately flashing red, red and white,
8 blue, or red and blue lights or amber or yellow warning lights,
9 a person who drives an approaching vehicle shall:

10 (1) proceeding with due caution, yield the
11 right-of-way by making a lane change into a lane not
12 adjacent to that of the authorized emergency vehicle, if
13 possible with due regard to safety and traffic conditions,
14 if on a highway having at least 4 lanes with not less than
15 2 lanes proceeding in the same direction as the approaching
16 vehicle; or

17 (2) proceeding with due caution, reduce the speed of
18 the vehicle, maintaining a safe speed for road conditions,
19 if changing lanes would be impossible or unsafe.

20 As used in this subsection (c), "authorized emergency
21 vehicle" includes any vehicle authorized by law to be equipped
22 with oscillating, rotating, or flashing lights under Section
23 12-215 of this Code, while the owner or operator of the vehicle
24 is engaged in his or her official duties.

25 (d) A person who violates subsection (c) of this Section
26 commits a business offense punishable by a fine of not less

1 than \$100 or more than \$10,000. It is a factor in aggravation
2 if the person committed the offense while in violation of
3 Section 11-501 of this Code. Imposition of the penalties
4 authorized by this subsection (d) for a violation of subsection
5 (c) of this Section that results in the death of another person
6 does not preclude imposition of appropriate additional civil or
7 criminal penalties.

8 (e) If a violation of subsection (c) of this Section
9 results in damage to the property of another person, in
10 addition to any other penalty imposed, the person's driving
11 privileges shall be suspended for a fixed period of not less
12 than 90 days and not more than one year.

13 (f) If a violation of subsection (c) of this Section
14 results in injury to another person, in addition to any other
15 penalty imposed, the person's driving privileges shall be
16 suspended for a fixed period of not less than 180 days and not
17 more than 2 years.

18 (g) If a violation of subsection (c) of this Section
19 results in the death of another person, in addition to any
20 other penalty imposed, the person's driving privileges shall be
21 suspended for 2 years.

22 (h) The Secretary of State shall, upon receiving a record
23 of a judgment entered against a person under subsection (c) of
24 this Section:

25 (1) suspend the person's driving privileges for the
26 mandatory period; or

1 (2) extend the period of an existing suspension by the
2 appropriate mandatory period.

3 (Source: P.A. 92-283, eff. 1-1-02; 92-872, eff. 6-1-03; 93-173,
4 eff. 7-11-03; 93-705, eff. 7-9-04.)

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

7 (720 ILCS 5/9-3) (from Ch. 38, par. 9-3)

8 (Text of Section after amendment by P.A. 95-467, 95-551,
9 and 95-587)

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

11 (a) A person who unintentionally kills an individual
12 without lawful justification commits involuntary manslaughter
13 if his acts whether lawful or unlawful which cause the death
14 are such as are likely to cause death or great bodily harm to
15 some individual, and he performs them recklessly, except in
16 cases in which the cause of the death consists of the driving
17 of a motor vehicle or operating a snowmobile, all-terrain
18 vehicle, or watercraft, in which case the person commits
19 reckless homicide. A person commits reckless homicide if he or
20 she unintentionally kills an individual while driving a vehicle
21 and using an incline in a roadway, such as a railroad crossing,
22 bridge approach, or hill, to cause the vehicle to become
23 airborne.

24 (b) (Blank).

1 (c) (Blank).

2 (d) Sentence.

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

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

5 (e) (Blank).

6 (e-2) Except as provided in subsection (e-3), in cases
7 involving reckless homicide in which the offense is committed
8 upon a public thoroughfare where children pass going to and
9 from school when a school crossing guard is performing official
10 duties, the penalty is a Class 2 felony, for which a person, if
11 sentenced to a term of imprisonment, shall be sentenced to a
12 term of not less than 3 years and not more than 14 years.

13 (e-3) In cases involving reckless homicide in which (i) the
14 offense is committed upon a public thoroughfare where children
15 pass going to and from school when a school crossing guard is
16 performing official duties and (ii) the defendant causes the
17 deaths of 2 or more persons as part of a single course of
18 conduct, the penalty is a Class 2 felony, for which a person,
19 if sentenced to a term of imprisonment, shall be sentenced to a
20 term of not less than 6 years and not more than 28 years.

21 (e-5) (Blank).

22 (e-7) Except as otherwise provided in subsection (e-8), in
23 cases involving reckless homicide in which the defendant: (1)
24 was driving in a construction or maintenance zone, as defined
25 in Section 11-605.1 of the Illinois Vehicle Code, or (2) was
26 operating a vehicle while failing or refusing to comply with

1 any lawful order or direction of any authorized police officer
2 or traffic control aide engaged in traffic control, the penalty
3 is a Class 2 felony, for which a person, if sentenced to a term
4 of imprisonment, shall be sentenced to a term of not less than
5 3 years and not more than 14 years.

6 (e-8) In cases involving reckless homicide in which the
7 defendant caused the deaths of 2 or more persons as part of a
8 single course of conduct and: (1) was driving in a construction
9 or maintenance zone, as defined in Section 11-605.1 of the
10 Illinois Vehicle Code, or (2) was operating a vehicle while
11 failing or refusing to comply with any lawful order or
12 direction of any authorized police officer or traffic control
13 aide engaged in traffic control, the penalty is a Class 2
14 felony, for which a person, if sentenced to a term of
15 imprisonment, shall be sentenced to a term of not less than 6
16 years and not more than 28 years.

17 (e-9) In cases involving reckless homicide in which the
18 defendant drove a vehicle and used an incline in a roadway,
19 such as a railroad crossing, bridge approach, or hill, to cause
20 the vehicle to become airborne, and caused the deaths of 2 or
21 more persons as part of a single course of conduct, the penalty
22 is a Class 2 felony.

23 (e-10) In cases involving involuntary manslaughter or
24 reckless homicide resulting in the death of a peace officer
25 killed in the performance of his or her duties as a peace
26 officer, the penalty is a Class 2 felony.

1 (e-11) ~~(e-10)~~ In cases involving reckless homicide in which
2 the defendant unintentionally kills an individual while
3 driving in a posted school zone, as defined in Section 11-605
4 of the Illinois Vehicle Code, while children are present or in
5 a construction or maintenance zone, as defined in Section
6 11-605.1 of the Illinois Vehicle Code, when construction or
7 maintenance workers are present the trier of fact may infer
8 that the defendant's actions were performed recklessly where he
9 or she was also either driving at a speed of more than 20 miles
10 per hour in excess of the posted speed limit or violating
11 Section 11-501 of the Illinois Vehicle Code.

12 (e-12) In cases involving reckless homicide in which the
13 defendant unintentionally kills an individual, the trier of
14 fact may infer that the defendant's actions were performed
15 recklessly where he or she was also violating subsection (c) of
16 Section 11-907 of the Illinois Vehicle Code. The penalty for a
17 reckless homicide in which the driver also violated subsection
18 (c) of Section 11-907 of the Illinois Vehicle Code is a Class 2
19 felony, for which a person, if sentenced to a term of
20 imprisonment, shall be sentenced to a term of not less than 3
21 years and not more than 14 years.

22 (f) In cases involving involuntary manslaughter in which
23 the victim was a family or household member as defined in
24 paragraph (3) of Section 112A-3 of the Code of Criminal
25 Procedure of 1963, the penalty shall be a Class 2 felony, for
26 which a person if sentenced to a term of imprisonment, shall be

1 sentenced to a term of not less than 3 years and not more than
2 14 years.

3 (Source: P.A. 95-467, eff. 6-1-08; 95-551, eff. 6-1-08; 95-587,
4 eff. 6-1-08; 95-591, eff. 9-10-07; revised 10-30-07.)