



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB4556

Introduced 1/18/2008, by Rep. Chapin Rose

SYNOPSIS AS INTRODUCED:

720 ILCS 5/9-3
720 ILCS 5/12-4

from Ch. 38, par. 9-3
from Ch. 38, par. 12-4

Amends the Criminal Code of 1961. Provides that in cases involving involuntary manslaughter in which the victim was 12 years of age or younger at the time of the commission of the offense, the court may sentence the defendant to a term of imprisonment of up to twice the maximum term otherwise authorized. In aggravated battery sentencing provisions, provides that, if the individual harmed is a peace officer or fireman, the court may impose a term of imprisonment up to twice the maximum term of imprisonment that is otherwise authorized.

LRB095 13967 RLC 39779 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 Sections 9-3 and 12-4 as follows:

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

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

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

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

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

19 (g) In cases involving involuntary manslaughter in which
20 the victim was 12 years of age or younger at the time of the
21 commission of the offense, the court may sentence the defendant
22 to a term of imprisonment of up to twice the maximum term
23 otherwise authorized.

24 (Source: P.A. 95-467, eff. 6-1-08; 95-551, eff. 6-1-08; 95-587,
25 eff. 6-1-08; 95-591, eff. 9-10-07; revised 10-17-07.)

1 (720 ILCS 5/12-4) (from Ch. 38, par. 12-4)

2 Sec. 12-4. Aggravated Battery.

3 (a) A person who, in committing a battery, intentionally or
4 knowingly causes great bodily harm, or permanent disability or
5 disfigurement commits aggravated battery.

6 (b) In committing a battery, a person commits aggravated
7 battery if he or she:

8 (1) Uses a deadly weapon other than by the discharge of
9 a firearm;

10 (2) Is hooded, robed or masked, in such manner as to
11 conceal his identity;

12 (3) Knows the individual harmed to be a teacher or
13 other person employed in any school and such teacher or
14 other employee is upon the grounds of a school or grounds
15 adjacent thereto, or is in any part of a building used for
16 school purposes;

17 (4) (Blank);

18 (5) (Blank);

19 (6) Knows the individual harmed to be a community
20 policing volunteer while such volunteer is engaged in the
21 execution of any official duties, or to prevent the
22 volunteer from performing official duties, or in
23 retaliation for the volunteer performing official duties,
24 and the battery is committed other than by the discharge of
25 a firearm;

26 (7) Knows the individual harmed to be an emergency

1 medical technician - ambulance, emergency medical
2 technician - intermediate, emergency medical technician -
3 paramedic, ambulance driver, other medical assistance,
4 first aid personnel, or hospital personnel engaged in the
5 performance of any of his or her official duties, or to
6 prevent the emergency medical technician - ambulance,
7 emergency medical technician - intermediate, emergency
8 medical technician - paramedic, ambulance driver, other
9 medical assistance, first aid personnel, or hospital
10 personnel from performing official duties, or in
11 retaliation for performing official duties;

12 (8) Is, or the person battered is, on or about a public
13 way, public property or public place of accommodation or
14 amusement;

15 (8.5) Is, or the person battered is, on a publicly or
16 privately owned sports or entertainment arena, stadium,
17 community or convention hall, special event center,
18 amusement facility, or a special event center in a public
19 park during any 24-hour period when a professional sporting
20 event, National Collegiate Athletic Association
21 (NCAA)-sanctioned sporting event, United States Olympic
22 Committee-sanctioned sporting event, or International
23 Olympic Committee-sanctioned sporting event is taking
24 place in this venue;

25 (9) Knows the individual harmed to be the driver,
26 operator, employee or passenger of any transportation

1 facility or system engaged in the business of
2 transportation of the public for hire and the individual
3 assaulted is then performing in such capacity or then using
4 such public transportation as a passenger or using any area
5 of any description designated by the transportation
6 facility or system as a vehicle boarding, departure, or
7 transfer location;

8 (10) Knows the individual harmed to be an individual of
9 60 years of age or older;

10 (11) Knows the individual harmed is pregnant;

11 (12) Knows the individual harmed to be a judge whom the
12 person intended to harm as a result of the judge's
13 performance of his or her official duties as a judge;

14 (13) (Blank);

15 (14) Knows the individual harmed to be a person who is
16 physically handicapped;

17 (15) Knowingly and without legal justification and by
18 any means causes bodily harm to a merchant who detains the
19 person for an alleged commission of retail theft under
20 Section 16A-5 of this Code. In this item (15), "merchant"
21 has the meaning ascribed to it in Section 16A-2.4 of this
22 Code;

23 (16) Is, or the person battered is, in any building or
24 other structure used to provide shelter or other services
25 to victims or to the dependent children of victims of
26 domestic violence pursuant to the Illinois Domestic

1 Violence Act of 1986 or the Domestic Violence Shelters Act,
2 or the person battered is within 500 feet of such a
3 building or other structure while going to or from such a
4 building or other structure. "Domestic violence" has the
5 meaning ascribed to it in Section 103 of the Illinois
6 Domestic Violence Act of 1986. "Building or other structure
7 used to provide shelter" has the meaning ascribed to
8 "shelter" in Section 1 of the Domestic Violence Shelters
9 Act;

10 (17) (Blank);

11 (18) Knows the individual harmed to be an officer or
12 employee of the State of Illinois, a unit of local
13 government, or school district engaged in the performance
14 of his or her authorized duties as such officer or
15 employee;

16 (19) Knows the individual harmed to be an emergency
17 management worker engaged in the performance of any of his
18 or her official duties, or to prevent the emergency
19 management worker from performing official duties, or in
20 retaliation for the emergency management worker performing
21 official duties; ~~or~~

22 (20) Knows the individual harmed to be a private
23 security officer engaged in the performance of any of his
24 or her official duties, or to prevent the private security
25 officer from performing official duties, or in retaliation
26 for the private security officer performing official

1 duties; or -

2 (21) ~~(20)~~ Knows the individual harmed to be a taxi
3 driver and the battery is committed while the taxi driver
4 is on duty; or -

5 (22) ~~(20)~~ Knows the individual harmed to be a utility
6 worker, while the utility worker is engaged in the
7 execution of his or her duties, or to prevent the utility
8 worker from performing his or her duties, or in retaliation
9 for the utility worker performing his or her duties. In
10 this paragraph (22) ~~(20)~~, "utility worker" means a person
11 employed by a public utility as defined in Section 3-105 of
12 the Public Utilities Act and also includes an employee of a
13 municipally owned utility, an employee of a cable
14 television company, an employee of an electric cooperative
15 as defined in Section 3-119 of the Public Utilities Act, an
16 independent contractor or an employee of an independent
17 contractor working on behalf of a cable television company,
18 public utility, municipally owned utility, or an electric
19 cooperative, or an employee of a telecommunications
20 carrier as defined in Section 13-202 of the Public
21 Utilities Act, an independent contractor or an employee of
22 an independent contractor working on behalf of a
23 telecommunications carrier, or an employee of a telephone
24 or telecommunications cooperative as defined in Section
25 13-212 of the Public Utilities Act, or an independent
26 contractor or an employee of an independent contractor

1 working on behalf of a telephone or telecommunications
2 cooperative.

3 For the purpose of paragraph (14) of subsection (b) of this
4 Section, a physically handicapped person is a person who
5 suffers from a permanent and disabling physical
6 characteristic, resulting from disease, injury, functional
7 disorder or congenital condition.

8 For the purpose of paragraph (20) of subsection (b) and
9 subsection (e) of this Section, "private security officer"
10 means a registered employee of a private security contractor
11 agency under the Private Detective, Private Alarm, Private
12 Security, and Locksmith Act of 2004.

13 (c) A person who administers to an individual or causes him
14 to take, without his consent or by threat or deception, and for
15 other than medical purposes, any intoxicating, poisonous,
16 stupefying, narcotic, anesthetic, or controlled substance
17 commits aggravated battery.

18 (d) A person who knowingly gives to another person any food
19 that contains any substance or object that is intended to cause
20 physical injury if eaten, commits aggravated battery.

21 (d-3) A person commits aggravated battery when he or she
22 knowingly and without lawful justification shines or flashes a
23 laser gunsight or other laser device that is attached or
24 affixed to a firearm, or used in concert with a firearm, so
25 that the laser beam strikes upon or against the person of
26 another.

1 (d-5) An inmate of a penal institution or a sexually
2 dangerous person or a sexually violent person in the custody of
3 the Department of Human Services who causes or attempts to
4 cause a correctional employee of the penal institution or an
5 employee of the Department of Human Services to come into
6 contact with blood, seminal fluid, urine, or feces, by
7 throwing, tossing, or expelling that fluid or material commits
8 aggravated battery. For purposes of this subsection (d-5),
9 "correctional employee" means a person who is employed by a
10 penal institution.

11 (e) Sentence.

12 (1) Except as otherwise provided in paragraphs (2) and
13 (3), aggravated battery is a Class 3 felony.

14 (2) Aggravated battery that does not cause great bodily
15 harm or permanent disability or disfigurement is a Class 2
16 felony when the person knows the individual harmed to be a
17 peace officer, a community policing volunteer, a private
18 security officer, a correctional institution employee, an
19 employee of the Department of Human Services supervising or
20 controlling sexually dangerous persons or sexually violent
21 persons, or a fireman while such officer, volunteer,
22 employee, or fireman is engaged in the execution of any
23 official duties including arrest or attempted arrest, or to
24 prevent the officer, volunteer, employee, or fireman from
25 performing official duties, or in retaliation for the
26 officer, volunteer, employee, or fireman performing

1 official duties, and the battery is committed other than by
2 the discharge of a firearm. If the individual harmed is a
3 peace officer or fireman, the court may impose a term of
4 imprisonment up to twice the maximum term of imprisonment
5 that is otherwise authorized.

6 (3) Aggravated battery that causes great bodily harm or
7 permanent disability or disfigurement in violation of
8 subsection (a) is a Class 1 felony when the person knows
9 the individual harmed to be a peace officer, a community
10 policing volunteer, a private security officer, a
11 correctional institution employee, an employee of the
12 Department of Human Services supervising or controlling
13 sexually dangerous persons or sexually violent persons, or
14 a fireman while such officer, volunteer, employee, or
15 fireman is engaged in the execution of any official duties
16 including arrest or attempted arrest, or to prevent the
17 officer, volunteer, employee, or fireman from performing
18 official duties, or in retaliation for the officer,
19 volunteer, employee, or fireman performing official
20 duties, and the battery is committed other than by the
21 discharge of a firearm. If the individual harmed is a peace
22 officer or fireman, the court may impose a term of
23 imprisonment up to twice the maximum term of imprisonment
24 that is otherwise authorized.

25 (Source: P.A. 94-243, eff. 1-1-06; 94-327, eff. 1-1-06; 94-333,
26 eff. 7-26-05; 94-363, eff. 7-29-05; 94-482, eff. 1-1-06;

- 1 95-236, eff. 1-1-08; 95-256, eff. 1-1-08; 95-331, eff. 8-21-07;
- 2 95-429, eff. 1-1-08; revised 10-17-07.)