

1 AN ACT concerning transportation, which may be referred to  
2 as James "Shib" Miller and William Grant's Law.

3 **Be it enacted by the People of the State of Illinois,**  
4 **represented in the General Assembly:**

5 Section 5. The Illinois Vehicle Code is amended by adding  
6 Section 11-213 as follows:

7 (625 ILCS 5/11-213 new)

8 Sec. 11-213. Power of a fire department officer; highway or  
9 lane closure. In the absence of a law enforcement officer or a  
10 representative of the highway agency having jurisdiction over  
11 the highway, an officer of a fire department, in the  
12 performance of his or her official duties, has the authority to  
13 close to traffic a highway, or a lane or lanes of a highway, as  
14 necessary to protect the safety of persons or property. In  
15 order to promote the safe implementation of this Section, the  
16 fire department officer shall utilize an official fire  
17 department vehicle with lighted red or white oscillating,  
18 rotating, or flashing lights in accordance with Section 12-215  
19 of this Code and proper temporary traffic control in accordance  
20 with the sections of the Illinois Manual on Uniform Traffic  
21 Control Devices concerning temporary traffic control and  
22 incident management. The officer should also receive training  
23 in safe practices for accomplishing these tasks near traffic.

1 This Section does not apply to highways under the jurisdiction  
2 of the Illinois State Toll Highway Authority. As used in this  
3 Section, "highway" has the meaning set forth in Section 1-126  
4 of this Code.

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) Except as otherwise provided in subsection (e-13),  
13 in cases involving reckless homicide in which the offense was  
14 committed as result of a violation of subsection (c) of Section  
15 11-907 of the Illinois Vehicle Code, the penalty is a Class 2  
16 felony, for which a person, if sentenced to a term of  
17 imprisonment, shall be sentenced to a term of not less than 3  
18 years and not more than 14 years.

19        (e-13) In cases involving reckless homicide in which the  
20 offense was committed as result of a violation of subsection  
21 (c) of Section 11-907 of the Illinois Vehicle Code and the  
22 defendant caused the deaths of 2 or more persons as part of a  
23 single course of conduct, the penalty is a Class 2 felony, for  
24 which a person, if sentenced to a term of imprisonment, shall  
25 be sentenced to a term of not less than 6 years and not more  
26 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 be  
6 sentenced to a term of not less than 3 years and not more than  
7 14 years.

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