

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, being under
19 the influence of alcohol or any other drug or drugs at the
20 time of the alleged violation shall be presumed to be
21 evidence of a reckless act unless disproved by evidence to
22 the contrary.

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

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

30 2. Under the influence of alcohol to a degree that
31 renders the person incapable of safely driving a motor

1 vehicle or operating a snowmobile, all-terrain vehicle,
2 or watercraft;

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

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

11 (d) Sentence.

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

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

14 (e) Except as otherwise provided in subsection (e-5), in
15 cases involving reckless homicide in which the defendant was
16 determined to have been under the influence of alcohol or any
17 other drug or drugs as an element of the offense, or in cases
18 in which the defendant is proven beyond a reasonable doubt to
19 have been under the influence of alcohol or any other drug or
20 drugs, the penalty shall be a Class 1 ~~2~~ felony, for which a
21 person, if sentenced to a term of imprisonment, shall be
22 sentenced to a term of not less than 4 ~~3~~ years and not more
23 than 30 ~~14~~ years.

24 (e-5) In cases involving reckless homicide in which the
25 defendant was determined to have been under the influence of
26 alcohol or any other drug or drugs as an element of the
27 offense, or in cases in which the defendant is proven beyond
28 a reasonable doubt to have been under the influence of
29 alcohol or any other drug or drugs, if the defendant kills 2
30 or more individuals as part of a single course of conduct,
31 the penalty is a Class 1 ~~2~~ felony, for which a person, if
32 sentenced to a term of imprisonment, shall be sentenced to a
33 term of not less than 8 ~~6~~ years and not more than 60 ~~28~~
34 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. 90-43, eff. 7-2-97; 90-119, eff. 1-1-98;
9 90-655, eff. 7-30-98; 91-6, eff. 1-1-00; 91-122, eff. 1-1-00;
10 revised 10-8-99.)

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