

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

4 1. The alcohol concentration in the person's blood
5 or breath is 0.08 or more based on the definition of
6 blood and breath units in Section 11-501.2 of the
7 Illinois Vehicle Code;

8 2. Under the influence of alcohol to a degree that
9 renders the person incapable of safely driving a motor
10 vehicle or operating a snowmobile, all-terrain vehicle,
11 or watercraft;

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

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

20 (d) Sentence.

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

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

23 (e) Except as otherwise provided in subsections
24 subsection (e-5) and (e-6), in cases involving reckless
25 homicide in which the defendant was determined to have been
26 under the influence of alcohol or any other drug or drugs as
27 an element of the offense, or in cases in which the defendant
28 is proven beyond a reasonable doubt to have been under the
29 influence of alcohol or any other drug or drugs, the penalty
30 shall be a Class 2 felony, for which a person, if sentenced
31 to a term of imprisonment, shall be sentenced to a term of
32 not less than 3 years and not more than 14 years.

33 (e-5) In cases involving reckless homicide in which the
34 defendant was determined to have been under the influence of

1 alcohol or any other drug or drugs as an element of the
 2 offense, or in cases in which the defendant is proven beyond
 3 a reasonable doubt to have been under the influence of
 4 alcohol or any other drug or drugs, if the defendant kills 2
 5 or more individuals as part of a single course of conduct,
 6 the penalty is a Class 2 felony, for which a person, if
 7 sentenced to a term of imprisonment, shall be sentenced to a
 8 term of not less than 6 years and not more than 28 years.

9 (e-6) In cases involving reckless homicide the penalty
 10 shall be a Class 2 felony, for which a person, if
 11 sentenced to a term of imprisonment, shall be sentenced to
 12 a term of not less than 6 years and not more than 28 years:

13 (1) if the victim of the reckless homicide was any
 14 of the following persons killed while performing his or
 15 her official duties: (i) a peace officer; (ii) a fireman;
 16 (iii) an emergency medical technician-ambulance; (iv) an
 17 emergency medical technician-intermediate; (v) an
 18 emergency medical technician-paramedic; or (vi) an
 19 ambulance driver; and

20 (2) if the defendant was determined to have been
 21 under the influence of alcohol or any other drug or drugs
 22 as an element of the offense, or in cases in
 23 which the defendant is proven beyond a reasonable
 24 doubt to have been under the influence of alcohol or any
 25 other drug or drugs.

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

33 (Source: P.A. 90-43, eff. 7-2-97; 90-119, eff. 1-1-98;
 34 90-655, eff. 7-30-98; 91-6, eff. 1-1-00; 91-122, eff. 1-1-00;

1 revised 10-8-99.)".