

State of Illinois
OFFICE OF THE GOVERNOR
Springfield, Illinois 62706

George H. Ryan
GOVERNOR

July 8, 2002

To the Honorable Members of
The Illinois Senate
92nd General Assembly

I hereby sign Senate Bill 1752, which amends the Snowmobile Registration and Safety Act and the Boat Registration and Safety Act to increase the penalty for causing serious injury to someone while operating a snowmobile or boat while under the influence of alcohol or drugs. Senate Bill 1752 also conforms part of the penalty in these two Acts to the penalty for reckless homicide in the Criminal Code. However, I would like to bring an issue to the attention of the General Assembly that I believe should be addressed.

During the 91st General Assembly, Public Act 91-6 was enacted and specifically added the operation of a snowmobile, an all-terrain vehicle and watercraft to the Criminal Code reckless homicide statute, 720 ILCS 5/9-3. This addition to reckless homicide made three Acts apply to causing the death of someone by operating a snowmobile or watercraft while under the influence. This in turn resulted in a conflict in the penalty and application between the Criminal Code, the Snowmobile Registration and Safety Act and the Boat Registration and Safety Act. I am signing this bill because Senate Bill 1752 seeks to resolve the conflicts between the three Acts. However, Senate Bill 1752 does not resolve all of the conflicts.

Some of the conflicts that remain include the following:

First there are differences in the definition of "under the influence" between these statutes.

Second, the reckless homicide offense has a higher penalty of imprisonment if the death of two or more persons is caused, but there is no such sentencing difference in the Snowmobile Registration and Safety Act or the Boat Registration Safety Act.

Third, a conviction for reckless homicide carries restrictions on the amount of good conduct credit and meritorious good conduct credit a person is eligible for while serving a prison sentence. The snowmobile Registration and Safety Act and the Boat Registration and Safety Act convictions do not have the same good conduct credit restrictions.

Fourth, a conviction for reckless homicide prohibits licensing or employment as a school bus driver or senior citizen bus driver. Convictions under the other two Acts do not have the same licensing restrictions.

Fifth, the victim's family in a reckless homicide case has the right to make an oral statement at the sentencing hearing. The snowmobile Registration and Safety Act and the Boat Registration and Safety Act convictions do not provide that same right. There are several other consequences for a reckless homicide conviction that are not covered by convictions under the Snowmobile Registration and Safety Act or the Boat Registration and Safety Act.

Therefore, I urge the General Assembly to consider legislation to remove the provisions of the Snowmobile Registration and Safety Act and the Boat Registration and Safety Act that deal with causing the death of a person while under the influence, since the offense of reckless homicide provides more complete coverage of this Act. Having duplicate criminal offenses for the same action is problematic and should be avoided whenever possible. Thank

you for your consideration of these issues.

With these clarifications, I have signed Senate Bill
1752.

Sincerely,
George H. Ryan
GOVERNOR