

# HB3902



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

**HB3902**

by Rep. Jerry Costello, II

#### SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-204.1

from Ch. 95 1/2, par. 11-204.1

Amends the Illinois Vehicle Code. Provides that it is aggravated fleeing or attempting to eluding a peace officer if the person causes death to another individual as a result of the fleeing or attempted eluding. If death is caused to a person other than a peace officer or first responder, the penalty is a Class 2 felony and if death is caused to a peace officer or first responder, the penalty is a Class 1 felony.

LRB100 10992 RLC 21231 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning transportation.

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

4 Section 5. The Illinois Vehicle Code is amended by changing  
5 Section 11-204.1 as follows:

6 (625 ILCS 5/11-204.1) (from Ch. 95 1/2, par. 11-204.1)

7 Sec. 11-204.1. Aggravated fleeing or attempting to elude a  
8 peace officer.

9 (a) The offense of aggravated fleeing or attempting to  
10 elude a peace officer is committed by any driver or operator of  
11 a motor vehicle who flees or attempts to elude a peace officer,  
12 after being given a visual or audible signal by a peace officer  
13 in the manner prescribed in subsection (a) of Section 11-204 of  
14 this Code, and such flight or attempt to elude:

15 (1) is at a rate of speed at least 21 miles per hour  
16 over the legal speed limit;

17 (2) causes bodily injury to any individual;

18 (2.1) causes death to a person other than a peace  
19 officer or first responder;

20 (2.2) causes death to a peace officer or first  
21 responder;

22 (3) causes damage in excess of \$300 to property;

23 (4) involves disobedience of 2 or more official traffic

1 control devices; or

2 (5) involves the concealing or altering of the  
3 vehicle's registration plate.

4 (b) Any person convicted of a first violation of paragraph  
5 (1), (2), (3), (4), or (5) of subsection (a) of this Section  
6 shall be guilty of a Class 4 felony. Upon notice of such a  
7 conviction the Secretary of State shall forthwith revoke the  
8 driver's license of the person so convicted, as provided in  
9 Section 6-205 of this Code. Any person convicted of a second or  
10 subsequent violation of paragraph (1), (2), (3), (4), or (5) of  
11 subsection (a) of this Section shall be guilty of a Class 3  
12 felony, and upon notice of such a conviction the Secretary of  
13 State shall forthwith revoke the driver's license of the person  
14 convicted, as provided in Section 6-205 of the Code. Any person  
15 convicted of a violation of paragraph (2.1) of subsection (a)  
16 of this Section is guilty of a Class 2 felony. Any person  
17 convicted of a violation of paragraph (2.2) of subsection (a)  
18 of this Section is guilty of a Class 1 felony.

19 (c) The motor vehicle used in a violation of this Section  
20 is subject to seizure and forfeiture as provided in Sections  
21 36-1 and 36-2 of the Criminal Code of 2012.

22 (Source: P.A. 96-328, eff. 8-11-09; 97-743, eff. 1-1-13;  
23 97-1150, eff. 1-25-13.)