

1 AMENDMENT TO HOUSE BILL 3215

2 AMENDMENT NO. _____. Amend House Bill 3215 by replacing
3 everything after the enacting clause with the following:

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.

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), (e-7), and (e-8), in cases involving
25 reckless homicide in which the defendant was determined to
26 have been under the influence of alcohol or any other drug or
27 drugs as an element of the offense, or in cases in which the
28 defendant is proven beyond a reasonable doubt to have been
29 under the influence of alcohol or any other drug or drugs,
30 the penalty shall be a Class 2 felony, for which a person, if
31 sentenced to a term of imprisonment, shall be sentenced to a
32 term of 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-7) Except as otherwise provided in subsection (e-8),
10 in cases involving reckless homicide in which the defendant
11 was driving in a construction or maintenance zone, as defined
12 in Section 11-605 of the Illinois Vehicle Code, the penalty
13 is a Class 2 felony, for which a person, if sentenced to a
14 term of imprisonment, shall be sentenced to a term of not
15 less than 3 years and not more than 14 years.

16 (e-8) In cases involving reckless homicide in which the
17 defendant was driving in a construction or maintenance zone,
18 as defined in Section 11-605 of the Illinois Vehicle Code,
19 and caused the deaths of 2 or more persons as part of a
20 single course of conduct, the penalty is a Class 2 felony,
21 for which a person, if sentenced to a term of imprisonment,
22 shall be sentenced to a term of not less than 6 years and not
23 more than 28 years.

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

31 (Source: P.A. 91-6, eff. 1-1-00; 91-122, eff. 1-1-00; 92-16,
32 eff. 6-28-01.)".