



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB5681

by Rep. Dan Brady

SYNOPSIS AS INTRODUCED:

720 ILCS 5/9-3.4 new

Amends the Criminal Code of 1961. Creates the offense of vehicular homicide. Provides that a person commits the offense if he or she unintentionally kills an individual or an unborn child while operating or in actual physical control of a motor vehicle, motorcycle, snowmobile, or watercraft if the death is the proximate result of committing a violation of the Illinois Vehicle Code, the Boat Registration and Safety Act, the Wildlife Code, the Fish and Aquatic Life Code, or the Snowmobile Registration and Safety Act. Establishes penalties.

LRB095 17881 RLC 43961 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning 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 adding
5 Section 9-3.4 as follows:

6 (720 ILCS 5/9-3.4 new)

7 Sec. 9-3.4. Vehicular homicide.

8 (a) A person who unintentionally kills an individual or an
9 unborn child while operating or in actual physical control of a
10 motor vehicle, motorcycle, snowmobile, or watercraft, commits
11 vehicular homicide if the death is the proximate result of
12 committing a violation of the Illinois Vehicle Code, the Boat
13 Registration and Safety Act, the Wildlife Code, the Fish and
14 Aquatic Life Code, or the Snowmobile Registration and Safety
15 Act.

16 (b) Sentence.

17 (1) Except as otherwise provided in paragraphs (2) and (3)
18 of this subsection (b), a person who commits a violation of
19 subsection (a) of this Section is guilty of a Class A
20 misdemeanor.

21 (2) A person who commits a violation of subsection (a) of
22 this Section while operating or in actual physical control of a
23 motor vehicle, motorcycle, snowmobile, or watercraft and who is

1 not licensed to drive a motor vehicle or a motorcycle under the
2 Illinois Vehicle Code or who is not authorized to operate a
3 snowmobile under the Snowmobile Registration and Safety Act or
4 who is not authorized to operate a watercraft under the Boat
5 Registration and Safety Act or who is operating such motor
6 vehicle, motorcycle, snowmobile, or watercraft illegally is
7 guilty of a Class 4 felony.

8 (3) A second or subsequent conviction for a violation of
9 subsection (a) of this Section is a Class 4 felony.

10 (c) For purposes of this Section, "unborn child" means any
11 individual of the human species from fertilization until birth.