

HB0904



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB0904

Introduced 2/10/2009, by Rep. Naomi D. Jakobsson

SYNOPSIS AS INTRODUCED:

720 ILCS 5/9-3.4 new

Amends the Criminal Code of 1961. Creates the offense of negligent vehicular homicide, a Class A misdemeanor. Provides that a person commits the offense if the person's negligent operation of a motor vehicle is a proximate cause of the death of another person. Provides that a person acts negligently within the meaning of the provision if he or she fails to be aware of a substantial and unjustifiable risk of death or injury to others, and that failure constitutes a substantial deviation from the standard of care which a reasonable person would exercise under the circumstances then prevailing. Provides that the finder of fact may consider statutes and ordinances regulating the defendant's conduct in determining whether he or she was culpably negligent.

LRB096 10276 RLC 20446 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. Negligent vehicular homicide.

8 (a) A person commits the offense of negligent vehicular
9 homicide if the person's negligent operation of a motor vehicle
10 is a proximate cause of the death of another person.

11 (b) A person acts negligently within the meaning of this
12 Section if he or she fails to be aware of a substantial and
13 unjustifiable risk of death or injury to others, and that
14 failure constitutes a substantial deviation from the standard
15 of care that a reasonable person would exercise under the
16 circumstances then prevailing.

17 (c) The finder of fact may consider statutes and ordinances
18 regulating the defendant's conduct in determining whether he or
19 she was culpably negligent under subsection (a).

20 (d) Negligent vehicular homicide is a Class A misdemeanor.