



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB3442

Introduced 2/4/2026, by Sen. Laura Fine

SYNOPSIS AS INTRODUCED:

720 ILCS 5/9-1	from Ch. 38, par. 9-1
720 ILCS 5/9-3	from Ch. 38, par. 9-3
720 ILCS 5/12-3.05	was 720 ILCS 5/12-4

Amends the Criminal Code of 2012. Provides that a person who kills an individual without lawful justification commits first degree murder if, in performing the acts which cause the death he or she commits both aggravated driving under the influence and speeding 26 or more miles per hour over the speed limit, and such acts are the proximate cause of the death of the individual. Provides that the penalty for reckless homicide in which the defendant was operating a motor vehicle and committed aggravated driving under the influence resulting in the death of an individual is a Class 2 felony, for which a person, if sentenced to a term of imprisonment, shall be sentenced to a term of not less than 6 years and not more than 28 years. Provides that in cases involving reckless homicide in which the defendant was operating a motor vehicle at a speed 100 or more miles per hour over the maximum speed limit resulting in the death of an individual, the penalty is a Class 2 felony, for which a person, if sentenced to a term of imprisonment, shall be sentenced to a term of not less than 6 years and not more than 28 years. Provides that the penalty for aggravated battery caused by the defendant operating a motor vehicle at a speed 100 or more miles per hour over the maximum speed limit in which the defendant caused great bodily harm to an individual is a Class 2 felony for which the person shall be sentenced to a term of imprisonment of a minimum of 3 years and a maximum of 20 years. Contains a severability clause. Effective immediately.

LRB104 16838 RLC 30247 b

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 2012 is amended by
5 changing Sections 9-1, 9-3, and 12-3.05 as follows:

6 (720 ILCS 5/9-1) (from Ch. 38, par. 9-1)

7 Sec. 9-1. First degree murder.

8 (a) A person who kills an individual without lawful
9 justification commits first degree murder if, in performing
10 the acts which cause the death:

11 (1) he or she either intends to kill or do great bodily
12 harm to that individual or another, or knows that such
13 acts will cause death to that individual or another; ~~or~~

14 (2) he or she knows that such acts create a strong
15 probability of death or great bodily harm to that
16 individual or another; ~~or~~

17 (3) he or she, acting alone or with one or more
18 participants, commits or attempts to commit a forcible
19 felony other than second degree murder, and in the course
20 of or in furtherance of such crime or flight therefrom, he
21 or she or another participant causes the death of a
22 person; or

23 (4) he or she violates both subsection (d) of Section

1 11-501 and Section 11-601.5 of the Illinois Vehicle Code,
2 and such acts are the proximate cause of the death of the
3 individual.

4 (b) (Blank).

5 (b-5) (Blank).

6 (c) (Blank).

7 (d) (Blank).

8 (e) (Blank).

9 (f) (Blank).

10 (g) (Blank).

11 (h) (Blank).

12 (h-5) (Blank).

13 (i) (Blank).

14 (j) (Blank).

15 (k) (Blank).

16 (Source: P.A. 103-51, eff. 1-1-24; 103-605, eff. 7-1-24.)

17 (720 ILCS 5/9-3) (from Ch. 38, par. 9-3)

18 Sec. 9-3. Involuntary Manslaughter and Reckless Homicide.

19 (a) A person who unintentionally kills an individual
20 without lawful justification commits involuntary manslaughter
21 if his acts whether lawful or unlawful which cause the death
22 are such as are likely to cause death or great bodily harm to
23 some individual, and he performs them recklessly, except in
24 cases in which the cause of the death consists of the driving
25 of a motor vehicle or operating a snowmobile, all-terrain

1 vehicle, or watercraft, in which case the person commits
2 reckless homicide. A person commits reckless homicide if he or
3 she unintentionally kills an individual while driving a
4 vehicle and using an incline in a roadway, such as a railroad
5 crossing, bridge approach, or hill, to cause the vehicle to
6 become airborne.

7 (b) (Blank).

8 (c) (Blank).

9 (d) Sentence.

10 (1) Involuntary manslaughter is a Class 3 felony.

11 (2) Reckless homicide is a Class 3 felony.

12 (e) (Blank).

13 (e-2) Except as provided in subsection (e-3), in cases
14 involving reckless homicide in which the offense is committed
15 upon a public thoroughfare where children pass going to and
16 from school when a school crossing guard is performing
17 official duties, the penalty is a Class 2 felony, for which a
18 person, if sentenced to a term of imprisonment, shall be
19 sentenced to a term of not less than 3 years and not more than
20 14 years.

21 (e-3) In cases involving reckless homicide in which (i)
22 the offense is committed upon a public thoroughfare where
23 children pass going to and from school when a school crossing
24 guard is performing official duties and (ii) the defendant
25 causes the deaths of 2 or more persons as part of a single
26 course of conduct, the penalty is a Class 2 felony, for which a

1 person, if sentenced to a term of imprisonment, shall be
2 sentenced to a term of not less than 6 years and not more than
3 28 years.

4 (e-5) (Blank).

5 (e-7) Except as otherwise provided in subsection (e-8), in
6 cases involving reckless homicide in which the defendant: (1)
7 was driving in a construction or maintenance zone, as defined
8 in Section 11-605.1 of the Illinois Vehicle Code, or (2) was
9 operating a vehicle while failing or refusing to comply with
10 any lawful order or direction of any authorized police officer
11 or traffic control aide engaged in traffic control, the
12 penalty is a Class 2 felony, for which a person, if sentenced
13 to a term of imprisonment, shall be sentenced to a term of not
14 less than 3 years and not more than 14 years.

15 (e-8) In cases involving reckless homicide in which the
16 defendant caused the deaths of 2 or more persons as part of a
17 single course of conduct and: (1) was driving in a
18 construction or maintenance zone, as defined in Section
19 11-605.1 of the Illinois Vehicle Code, or (2) was operating a
20 vehicle while failing or refusing to comply with any lawful
21 order or direction of any authorized police officer or traffic
22 control aide engaged in traffic control, the penalty is a
23 Class 2 felony, for which a person, if sentenced to a term of
24 imprisonment, shall be sentenced to a term of not less than 6
25 years and not more than 28 years.

26 (e-9) In cases involving reckless homicide in which the

1 defendant drove a vehicle and used an incline in a roadway,
2 such as a railroad crossing, bridge approach, or hill, to
3 cause the vehicle to become airborne, and caused the deaths of
4 2 or more persons as part of a single course of conduct, the
5 penalty is a Class 2 felony.

6 (e-10) In cases involving involuntary manslaughter or
7 reckless homicide resulting in the death of a peace officer
8 killed in the performance of his or her duties as a peace
9 officer, the penalty is a Class 2 felony.

10 (e-11) In cases involving reckless homicide in which the
11 defendant unintentionally kills an individual while driving in
12 a posted school zone, as defined in Section 11-605 of the
13 Illinois Vehicle Code, while children are present or in a
14 construction or maintenance zone, as defined in Section
15 11-605.1 of the Illinois Vehicle Code, when construction or
16 maintenance workers are present the trier of fact may infer
17 that the defendant's actions were performed recklessly where
18 he or she was also either driving at a speed of more than 20
19 miles per hour in excess of the posted speed limit or violating
20 Section 11-501 of the Illinois Vehicle Code.

21 (e-12) Except as otherwise provided in subsection (e-13),
22 in cases involving reckless homicide in which the offense was
23 committed as result of a violation of subsection (c) of
24 Section 11-907 of the Illinois Vehicle Code, the penalty is a
25 Class 2 felony, for which a person, if sentenced to a term of
26 imprisonment, shall be sentenced to a term of not less than 3

1 years and not more than 14 years.

2 (e-13) In cases involving reckless homicide in which the
3 offense was committed as result of a violation of subsection
4 (c) of Section 11-907 of the Illinois Vehicle Code and the
5 defendant caused the deaths of 2 or more persons as part of a
6 single course of conduct, the penalty is a Class 2 felony, for
7 which a person, if sentenced to a term of imprisonment, shall
8 be sentenced to a term of not less than 6 years and not more
9 than 28 years.

10 (e-14) In cases involving reckless homicide in which the
11 defendant unintentionally kills an individual, the trier of
12 fact may infer that the defendant's actions were performed
13 recklessly where he or she was also violating subsection (c)
14 of Section 11-907 of the Illinois Vehicle Code. The penalty
15 for a reckless homicide in which the driver also violated
16 subsection (c) of Section 11-907 of the Illinois Vehicle Code
17 is a Class 2 felony, for which a person, if sentenced to a term
18 of imprisonment, shall be sentenced to a term of not less than
19 3 years and not more than 14 years.

20 (e-15) In cases involving reckless homicide in which the
21 defendant was operating a vehicle while failing or refusing to
22 comply with subsection (c) of Section 11-907 of the Illinois
23 Vehicle Code resulting in the death of a firefighter or
24 emergency medical services personnel in the performance of his
25 or her official duties, the penalty is a Class 2 felony.

26 (e-16) In cases involving reckless homicide in which the

1 defendant was operating a motor vehicle and violated
2 subsection (d) of Section 11-501 of the Illinois Vehicle Code
3 resulting in the death of an individual, the penalty is a Class
4 2 felony, for which a person, if sentenced to a term of
5 imprisonment, shall be sentenced to a term of not less than 6
6 years and not more than 28 years.

7 (e-17) In cases involving reckless homicide in which the
8 defendant was operating a motor vehicle at a speed 100 or more
9 miles per hour over the maximum speed limit resulting in the
10 death of an individual, the penalty is a Class 2 felony, for
11 which a person, if sentenced to a term of imprisonment, shall
12 be sentenced to a term of not less than 6 years and not more
13 than 28 years.

14 (f) In cases involving involuntary manslaughter in which
15 the victim was a family or household member as defined in
16 paragraph (3) of Section 112A-3 of the Code of Criminal
17 Procedure of 1963, the penalty shall be a Class 2 felony, for
18 which a person if sentenced to a term of imprisonment, shall be
19 sentenced to a term of not less than 3 years and not more than
20 14 years.

21 (Source: P.A. 101-173, eff. 1-1-20.)

22 (720 ILCS 5/12-3.05) (was 720 ILCS 5/12-4)

23 Sec. 12-3.05. Aggravated battery.

24 (a) Offense based on injury. A person commits aggravated
25 battery when, in committing a battery, other than by the

1 discharge of a firearm, he or she knowingly does any of the
2 following:

3 (1) Causes great bodily harm or permanent disability
4 or disfigurement, other than as provided in paragraph (6)
5 of this subsection.

6 (2) Causes severe and permanent disability, great
7 bodily harm, or disfigurement by means of a caustic or
8 flammable substance, a poisonous gas, a deadly biological
9 or chemical contaminant or agent, a radioactive substance,
10 or a bomb or explosive compound.

11 (3) Causes great bodily harm or permanent disability
12 or disfigurement to an individual whom the person knows to
13 be a peace officer, community policing volunteer, fireman,
14 private security officer, correctional institution
15 employee, or Department of Human Services employee
16 supervising or controlling sexually dangerous persons or
17 sexually violent persons:

18 (i) performing his or her official duties;

19 (ii) battered to prevent performance of his or her
20 official duties; or

21 (iii) battered in retaliation for performing his
22 or her official duties.

23 (4) Causes great bodily harm or permanent disability
24 or disfigurement to an individual 60 years of age or
25 older.

26 (5) Strangles another individual.

1 (6) Causes great bodily harm to an individual while
2 operating a motor vehicle at a speed of 100 or more miles
3 per hour over the maximum speed limit.

4 (b) Offense based on injury to a child or person with an
5 intellectual disability. A person who is at least 18 years of
6 age commits aggravated battery when, in committing a battery,
7 he or she knowingly and without legal justification by any
8 means:

9 (1) causes great bodily harm or permanent disability
10 or disfigurement to any child under the age of 13 years, or
11 to any person with a severe or profound intellectual
12 disability; or

13 (2) causes bodily harm or disability or disfigurement
14 to any child under the age of 13 years or to any person
15 with a severe or profound intellectual disability.

16 (c) Offense based on location of conduct. A person commits
17 aggravated battery when, in committing a battery, other than
18 by the discharge of a firearm, he or she is or the person
19 battered is on or about a public way, public property, a public
20 place of accommodation or amusement, a sports venue, or a
21 domestic violence shelter, or in a church, synagogue, mosque,
22 or other building, structure, or place used for religious
23 worship.

24 (d) Offense based on status of victim. A person commits
25 aggravated battery when, in committing a battery, other than
26 by discharge of a firearm, he or she knows the individual

1 battered to be any of the following:

2 (1) A person 60 years of age or older.

3 (2) A person who is pregnant or has a physical
4 disability.

5 (3) A teacher or school employee upon school grounds
6 or grounds adjacent to a school or in any part of a
7 building used for school purposes.

8 (4) A peace officer, community policing volunteer,
9 fireman, private security officer, correctional
10 institution employee, or Department of Human Services
11 employee supervising or controlling sexually dangerous
12 persons or sexually violent persons:

13 (i) performing his or her official duties;

14 (ii) battered to prevent performance of his or her
15 official duties; or

16 (iii) battered in retaliation for performing his
17 or her official duties.

18 (5) A judge, emergency management worker, emergency
19 medical services personnel, or utility worker:

20 (i) performing his or her official duties;

21 (ii) battered to prevent performance of his or her
22 official duties; or

23 (iii) battered in retaliation for performing his
24 or her official duties.

25 (6) An officer or employee of the State of Illinois, a
26 unit of local government, or a school district, while

1 performing his or her official duties.

2 (7) A transit employee performing his or her official
3 duties, or a transit passenger.

4 (8) A taxi driver on duty.

5 (9) A merchant who detains the person for an alleged
6 commission of retail theft under Section 16-26 of this
7 Code and the person without legal justification by any
8 means causes bodily harm to the merchant.

9 (10) A person authorized to serve process under
10 Section 2-202 of the Code of Civil Procedure or a special
11 process server appointed by the circuit court while that
12 individual is in the performance of his or her duties as a
13 process server.

14 (11) A nurse while in the performance of his or her
15 duties as a nurse.

16 (12) A merchant: (i) while performing his or her
17 duties, including, but not limited to, relaying directions
18 for healthcare or safety from his or her supervisor or
19 employer or relaying health or safety guidelines,
20 recommendations, regulations, or rules from a federal,
21 State, or local public health agency; and (ii) during a
22 disaster declared by the Governor, or a state of emergency
23 declared by the mayor of the municipality in which the
24 merchant is located, due to a public health emergency and
25 for a period of 6 months after such declaration.

26 (e) Offense based on use of a firearm. A person commits

1 aggravated battery when, in committing a battery, he or she
2 knowingly does any of the following:

3 (1) Discharges a firearm, other than a machine gun or
4 a firearm equipped with a silencer, and causes any injury
5 to another person.

6 (2) Discharges a firearm, other than a machine gun or
7 a firearm equipped with a silencer, and causes any injury
8 to a person he or she knows to be a peace officer,
9 community policing volunteer, person summoned by a police
10 officer, fireman, private security officer, correctional
11 institution employee, or emergency management worker:

12 (i) performing his or her official duties;

13 (ii) battered to prevent performance of his or her
14 official duties; or

15 (iii) battered in retaliation for performing his
16 or her official duties.

17 (3) Discharges a firearm, other than a machine gun or
18 a firearm equipped with a silencer, and causes any injury
19 to a person he or she knows to be emergency medical
20 services personnel:

21 (i) performing his or her official duties;

22 (ii) battered to prevent performance of his or her
23 official duties; or

24 (iii) battered in retaliation for performing his
25 or her official duties.

26 (4) Discharges a firearm and causes any injury to a

1 person he or she knows to be a teacher, a student in a
2 school, or a school employee, and the teacher, student, or
3 employee is upon school grounds or grounds adjacent to a
4 school or in any part of a building used for school
5 purposes.

6 (5) Discharges a machine gun or a firearm equipped
7 with a silencer, and causes any injury to another person.

8 (6) Discharges a machine gun or a firearm equipped
9 with a silencer, and causes any injury to a person he or
10 she knows to be a peace officer, community policing
11 volunteer, person summoned by a police officer, fireman,
12 private security officer, correctional institution
13 employee or emergency management worker:

14 (i) performing his or her official duties;

15 (ii) battered to prevent performance of his or her
16 official duties; or

17 (iii) battered in retaliation for performing his
18 or her official duties.

19 (7) Discharges a machine gun or a firearm equipped
20 with a silencer, and causes any injury to a person he or
21 she knows to be emergency medical services personnel:

22 (i) performing his or her official duties;

23 (ii) battered to prevent performance of his or her
24 official duties; or

25 (iii) battered in retaliation for performing his
26 or her official duties.

1 (8) Discharges a machine gun or a firearm equipped
2 with a silencer, and causes any injury to a person he or
3 she knows to be a teacher, or a student in a school, or a
4 school employee, and the teacher, student, or employee is
5 upon school grounds or grounds adjacent to a school or in
6 any part of a building used for school purposes.

7 (f) Offense based on use of a weapon or device. A person
8 commits aggravated battery when, in committing a battery, he
9 or she does any of the following:

10 (1) Uses a deadly weapon other than by discharge of a
11 firearm, or uses an air rifle as defined in Section
12 24.8-0.1 of this Code.

13 (2) Wears a hood, robe, or mask to conceal his or her
14 identity.

15 (3) Knowingly and without lawful justification shines
16 or flashes a laser gunsight or other laser device attached
17 to a firearm, or used in concert with a firearm, so that
18 the laser beam strikes upon or against the person of
19 another.

20 (4) Knowingly video or audio records the offense with
21 the intent to disseminate the recording.

22 (g) Offense based on certain conduct. A person commits
23 aggravated battery when, other than by discharge of a firearm,
24 he or she does any of the following:

25 (1) Violates Section 401 of the Illinois Controlled
26 Substances Act by unlawfully delivering a controlled

1 substance to another and any user experiences great bodily
2 harm or permanent disability as a result of the injection,
3 inhalation, or ingestion of any amount of the controlled
4 substance.

5 (2) Knowingly administers to an individual or causes
6 him or her to take, without his or her consent or by threat
7 or deception, and for other than medical purposes, any
8 intoxicating, poisonous, stupefying, narcotic,
9 anesthetic, or controlled substance, or gives to another
10 person any food containing any substance or object
11 intended to cause physical injury if eaten.

12 (3) Knowingly causes or attempts to cause a
13 correctional institution employee or Department of Human
14 Services employee to come into contact with blood, seminal
15 fluid, urine, or feces by throwing, tossing, or expelling
16 the fluid or material, and the person is an inmate of a
17 penal institution or is a sexually dangerous person or
18 sexually violent person in the custody of the Department
19 of Human Services.

20 (h) Sentence. Unless otherwise provided, aggravated
21 battery is a Class 3 felony.

22 Aggravated battery as defined in subdivision (a)(4),
23 (d)(4), or (g)(3) is a Class 2 felony.

24 Aggravated battery as defined in subdivision (a)(3) or
25 (g)(1) is a Class 1 felony.

26 Aggravated battery as defined in subdivision (a)(1) is a

1 Class 1 felony when the aggravated battery was intentional and
2 involved the infliction of torture, as defined in paragraph
3 (10) of subsection (b-5) of Section 5-8-1 of the Unified Code
4 of Corrections, as the infliction of or subjection to extreme
5 physical pain, motivated by an intent to increase or prolong
6 the pain, suffering, or agony of the victim.

7 Aggravated battery as defined in subdivision (a)(1) is a
8 Class 2 felony when the person causes great bodily harm or
9 permanent disability to an individual whom the person knows to
10 be a member of a congregation engaged in prayer or other
11 religious activities at a church, synagogue, mosque, or other
12 building, structure, or place used for religious worship.

13 Aggravated battery under subdivision (a)(5) is a Class 1
14 felony if:

15 (A) the person used or attempted to use a dangerous
16 instrument while committing the offense;

17 (B) the person caused great bodily harm or permanent
18 disability or disfigurement to the other person while
19 committing the offense; or

20 (C) the person has been previously convicted of a
21 violation of subdivision (a)(5) under the laws of this
22 State or laws similar to subdivision (a)(5) of any other
23 state.

24 Aggravated battery as defined in subdivision (a)(6) is a
25 Class 2 felony for which the person shall be sentenced to a
26 term of imprisonment of a minimum of 3 years and a maximum of

1 20 years.

2 Aggravated battery as defined in subdivision (e)(1) is a
3 Class X felony.

4 Aggravated battery as defined in subdivision (a)(2) is a
5 Class X felony for which a person shall be sentenced to a term
6 of imprisonment of a minimum of 6 years and a maximum of 45
7 years.

8 Aggravated battery as defined in subdivision (e)(5) is a
9 Class X felony for which a person shall be sentenced to a term
10 of imprisonment of a minimum of 12 years and a maximum of 45
11 years.

12 Aggravated battery as defined in subdivision (e)(2),
13 (e)(3), or (e)(4) is a Class X felony for which a person shall
14 be sentenced to a term of imprisonment of a minimum of 15 years
15 and a maximum of 60 years.

16 Aggravated battery as defined in subdivision (e)(6),
17 (e)(7), or (e)(8) is a Class X felony for which a person shall
18 be sentenced to a term of imprisonment of a minimum of 20 years
19 and a maximum of 60 years.

20 Aggravated battery as defined in subdivision (b)(1) is a
21 Class X felony, except that:

22 (1) if the person committed the offense while armed
23 with a firearm, 15 years shall be added to the term of
24 imprisonment imposed by the court;

25 (2) if, during the commission of the offense, the
26 person personally discharged a firearm, 20 years shall be

1 added to the term of imprisonment imposed by the court;

2 (3) if, during the commission of the offense, the
3 person personally discharged a firearm that proximately
4 caused great bodily harm, permanent disability, permanent
5 disfigurement, or death to another person, 25 years or up
6 to a term of natural life shall be added to the term of
7 imprisonment imposed by the court.

8

9 (i) Definitions. In this Section:

10 "Building or other structure used to provide shelter" has
11 the meaning ascribed to "shelter" in Section 1 of the Domestic
12 Violence Shelters Act.

13 "Domestic violence" has the meaning ascribed to it in
14 Section 103 of the Illinois Domestic Violence Act of 1986.

15 "Domestic violence shelter" means any building or other
16 structure used to provide shelter or other services to victims
17 or to the dependent children of victims of domestic violence
18 pursuant to the Illinois Domestic Violence Act of 1986 or the
19 Domestic Violence Shelters Act, or any place within 500 feet
20 of such a building or other structure in the case of a person
21 who is going to or from such a building or other structure.

22 "Firearm" has the meaning provided under Section 1.1 of
23 the Firearm Owners Identification Card Act, and does not
24 include an air rifle as defined by Section 24.8-0.1 of this
25 Code.

26 "Machine gun" has the meaning ascribed to it in Section

1 24-1 of this Code.

2 "Merchant" has the meaning ascribed to it in Section
3 16-0.1 of this Code.

4 "Strangle" means intentionally impeding the normal
5 breathing or circulation of the blood of an individual by
6 applying pressure on the throat or neck of that individual or
7 by blocking the nose or mouth of that individual.

8 (Source: P.A. 103-51, eff. 1-1-24.)

9 Section 97. Severability. The provisions of this Act are
10 severable under Section 1.31 of the Statute on Statutes.

11 Section 99. Effective date. This Act takes effect upon
12 becoming law.