



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB4493

by Rep. John M. Cabello

SYNOPSIS AS INTRODUCED:

720 ILCS 5/9-3.3-1 new

Amends the Criminal Code of 2012. Creates the offense of drug-induced homicide of an unborn child. Provides that a person commits the offense when the person, without lawful justification, knowingly injects or knowingly causes injection, inhalation, absorption, or ingestion of any amount of a prescription drug, over-the-counter drug, controlled substance, or methamphetamine that causes the death of an unborn child. Exempts from a violation: (1) acts which cause the death of an unborn child if those acts were committed during any abortion, as defined in the Illinois Abortion Law of 1975, to which the pregnant woman has consented; (2) acts which were committed under usual and customary standards of medical practice during diagnostic testing or therapeutic treatment; or (3) the use of a drug according to the direction of a physician or in accordance with the directions written on the drug label. Provides that a violation is a Class X felony.

LRB100 17420 RLC 32587 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 2012 is amended by adding
5 Section 9-3.3-1 as follows:

6 (720 ILCS 5/9-3.3-1 new)

7 Sec. 9-3.3-1. Drug-induced homicide of an unborn child.

8 (a) In this Section:

9 "Controlled substance", "drug", and "prescription" have
10 the meanings ascribed to them in Section 102 of the Illinois
11 Controlled Substances Act.

12 "Methamphetamine" has the meaning ascribed to it in Section
13 10 of the Methamphetamine Control and Community Protection Act.

14 "Over-the-counter-drug" means a drug for human use that
15 contains a label that identifies the product as a drug as
16 required by 21 C.F.R. 201.66 and in which a prescription is not
17 required by the Federal Food, Drug, and Cosmetic Act, the
18 Illinois Controlled Substances Act, or the Illinois Food, Drug
19 and Cosmetic Act.

20 (b) A person commits drug-induced homicide of an unborn
21 child when the person, without lawful justification, knowingly
22 injects or knowingly causes inhalation, absorption, or
23 ingestion of any amount of a prescription drug,

1 over-the-counter drug, controlled substance, or
2 methamphetamine that causes the death of an unborn child.

3 (c) This Section does not apply to:

4 (1) acts which cause the death of an unborn child if
5 those acts were committed during any abortion, as defined
6 in Section 2 of the Illinois Abortion Law of 1975, to which
7 the pregnant woman has consented;

8 (2) acts which were committed under usual and customary
9 standards of medical practice during diagnostic testing or
10 therapeutic treatment; or

11 (3) the use of a drug according to the direction of a
12 physician or in accordance with the directions written on
13 the drug label.

14 (d) Sentence. Drug-induced homicide of an unborn child is a
15 Class X felony.