

**SB0639**



**100TH GENERAL ASSEMBLY**

**State of Illinois**

**2017 and 2018**

**SB0639**

Introduced 1/25/2017, by Sen. William R. Haine

**SYNOPSIS AS INTRODUCED:**

720 ILCS 5/9-3.3

from Ch. 38, par. 9-3.3

Amends the Criminal Code of 2012. Allows a drug-induced homicide prosecution when a person violates the law of another jurisdiction, which if the violation had been committed in this State could be charged under Section 401 of the Illinois Controlled Substances Act or Section 55 of the Methamphetamine Control and Community Protection Act, by unlawfully delivering a controlled substance to another, and any person's death is caused in this State by the injection, inhalation, absorption, or ingestion of any amount of that controlled substance. Provides that the bill may be referred to as the Evan Rushing Law.

LRB100 05440 SLF 15451 b

**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 1. This Act may be referred to as the Evan Rushing  
5 Law.

6 Section 5. The Criminal Code of 2012 is amended by changing  
7 Section 9-3.3 as follows:

8 (720 ILCS 5/9-3.3) (from Ch. 38, par. 9-3.3)

9 Sec. 9-3.3. Drug-induced homicide.

10 (a) A person commits drug-induced homicide when he or she  
11 ~~who~~ violates Section 401 of the Illinois Controlled Substances  
12 Act or Section 55 of the Methamphetamine Control and Community  
13 Protection Act by unlawfully delivering a controlled substance  
14 to another, and any person's death is caused by the injection,  
15 inhalation, absorption, or ingestion of any amount of that  
16 controlled substance, ~~commits the offense of drug induced~~  
17 ~~homicide.~~

18 (a-5) A person commits drug-induced homicide when he or she  
19 violates the law of another jurisdiction, which if the  
20 violation had been committed in this State could be charged  
21 under Section 401 of the Illinois Controlled Substances Act or  
22 Section 55 of the Methamphetamine Control and Community

1 Protection Act, by unlawfully delivering a controlled  
2 substance to another, and any person's death is caused in this  
3 State by the injection, inhalation, absorption, or ingestion of  
4 any amount of that controlled substance.

5 (b) Sentence. Drug-induced homicide is a Class X felony,  
6 except:-

7 (1) ~~(e)~~ A person who commits drug-induced homicide by  
8 violating subsection (a) or subsection (c) of Section 401  
9 of the Illinois Controlled Substances Act or Section 55 of  
10 the Methamphetamine Control and Community Protection Act  
11 commits a Class X felony for which the defendant shall in  
12 addition to a sentence authorized by law, be sentenced to a  
13 term of imprisonment of not less than 15 years and not more  
14 than 30 years or an extended term of not less than 30 years  
15 and not more than 60 years.

16 (2) A person who commits drug-induced homicide by  
17 violating the law of another jurisdiction, which if the  
18 violation had been committed in this State could be charged  
19 under subsection (a) or subsection (c) of Section 401 of  
20 the Illinois Controlled Substances Act or Section 55 of the  
21 Methamphetamine Control and Community Protection Act,  
22 commits a Class X felony for which the defendant shall in  
23 addition to a sentence authorized by law, be sentenced to a  
24 term of imprisonment of not less than 15 years and not more  
25 than 30 years or an extended term of not less than 30 years  
26 and not more than 60 years.

1 (Source: P.A. 97-191, eff. 7-22-11.)