

SB1380



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB1380

Introduced 2/13/2019, by Sen. John G. Mulroe

SYNOPSIS AS INTRODUCED:

720 ILCS 5/9-2

from Ch. 38, par. 9-2

Amends the Criminal Code of 2012. Provides that a person commits the offense of second degree murder when he or she commits any criminal act that causes or results in responsive actions by a first responder and that first responder is killed as a proximate cause of responding to that criminal act.

LRB101 08902 SLF 53992 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 changing
5 Section 9-2 as follows:

6 (720 ILCS 5/9-2) (from Ch. 38, par. 9-2)

7 Sec. 9-2. Second degree murder.

8 (a) A person commits the offense of second degree murder
9 when he or she commits the offense of first degree murder as
10 defined in paragraph (1) or (2) of subsection (a) of Section
11 9-1 of this Code and either of the following mitigating factors
12 are present:

13 (1) at the time of the killing he or she is acting
14 under a sudden and intense passion resulting from serious
15 provocation by the individual killed or another whom the
16 offender endeavors to kill, but he or she negligently or
17 accidentally causes the death of the individual killed; or

18 (2) at the time of the killing he or she believes the
19 circumstances to be such that, if they existed, would
20 justify or exonerate the killing under the principles
21 stated in Article 7 of this Code, but his or her belief is
22 unreasonable.

23 (a-5) A person commits the offense of second degree murder

1 when he or she commits any criminal act that causes or results
2 in responsive actions by a first responder and that first
3 responder is killed as a proximate cause of responding to that
4 criminal act.

5 (b) Serious provocation is conduct sufficient to excite an
6 intense passion in a reasonable person provided, however, that
7 an action that does not otherwise constitute serious
8 provocation cannot qualify as serious provocation because of
9 the discovery, knowledge, or disclosure of the victim's sexual
10 orientation as defined in Section 1-103 of the Illinois Human
11 Rights Act.

12 (c) When evidence of either of the mitigating factors
13 defined in subsection (a) of this Section has been presented,
14 the burden of proof is on the defendant to prove either
15 mitigating factor by a preponderance of the evidence before the
16 defendant can be found guilty of second degree murder. The
17 burden of proof, however, remains on the State to prove beyond
18 a reasonable doubt each of the elements of first degree murder
19 and, when appropriately raised, the absence of circumstances at
20 the time of the killing that would justify or exonerate the
21 killing under the principles stated in Article 7 of this Code.

22 (d) Sentence. Second degree murder is a Class 1 felony.

23 (Source: P.A. 100-460, eff. 1-1-18.)