



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2808

Introduced 1/17/2024, by Sen. Jil Tracy

SYNOPSIS AS INTRODUCED:

720 ILCS 5/9-3

from Ch. 38, par. 9-3

Amends the Criminal Code of 2012. Provides that, with certain exceptions in cases of reckless homicide involving the death of 2 or more persons as part of a single course of conduct, in cases involving reckless homicide in which the defendant: (1) was driving at a speed of more than 20 miles per hour in excess of the posted speed limit or (2) failed or refused to comply with a traffic control aide or device engaged in traffic control, 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 3 years and not more than 14 years. Provides that in cases involving reckless homicide in which the offense was committed as a result of the defendant driving while the defendant's driver's license, permit, or privilege to operate a motor vehicle was suspended or revoked and the defendant caused the deaths of 2 or more persons as part of a single course of conduct, the penalty for reckless homicide 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.

LRB103 33829 RLC 63644 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 Section 9-3 as follows:

6 (720 ILCS 5/9-3) (from Ch. 38, par. 9-3)

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

8 (a) A person who unintentionally kills an individual
9 without lawful justification commits involuntary manslaughter
10 if his acts whether lawful or unlawful which cause the death
11 are such as are likely to cause death or great bodily harm to
12 some individual, and he performs them recklessly, except in
13 cases in which the cause of the death consists of the driving
14 of a motor vehicle or operating a snowmobile, all-terrain
15 vehicle, or watercraft, in which case the person commits
16 reckless homicide. A person commits reckless homicide if he or
17 she unintentionally kills an individual while driving a
18 vehicle and using an incline in a roadway, such as a railroad
19 crossing, bridge approach, or hill, to cause the vehicle to
20 become airborne.

21 (b) (Blank).

22 (c) (Blank).

23 (d) Sentence.

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

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

3 (e) (Blank).

4 (e-2) Except as provided in subsection (e-3), in cases
5 involving reckless homicide in which the offense is committed
6 upon a public thoroughfare where children pass going to and
7 from school when a school crossing guard is performing
8 official duties, the penalty is a Class 2 felony, for which a
9 person, if sentenced to a term of imprisonment, shall be
10 sentenced to a term of not less than 3 years and not more than
11 14 years.

12 (e-3) In cases involving reckless homicide in which (i)
13 the offense is committed upon a public thoroughfare where
14 children pass going to and from school when a school crossing
15 guard is performing official duties and (ii) the defendant
16 causes the deaths of 2 or more persons as part of a single
17 course of conduct, 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 6 years and not more than
20 28 years.

21 (e-5) (Blank).

22 (e-7) Except as otherwise provided in subsection (e-8), in
23 cases involving reckless homicide in which the defendant: (1)
24 was driving in a construction or maintenance zone, as defined
25 in Section 11-605.1 of the Illinois Vehicle Code, ~~or~~ (2) was
26 operating a vehicle while failing or refusing to comply with

1 any lawful order or direction of any authorized police officer
2 or traffic control aide engaged in traffic control, (3) was
3 driving at a speed of more than 20 miles per hour in excess of
4 the posted speed limit, or (4) failed or refused to comply with
5 a traffic control aide or device engaged in traffic control,
6 the penalty is a Class 2 felony, for which a person, if
7 sentenced to a term of imprisonment, shall be sentenced to a
8 term of not less than 3 years and not more than 14 years.

9 (e-8) In cases involving reckless homicide in which the
10 defendant caused the deaths of 2 or more persons as part of a
11 single course of conduct and: (1) was driving in a
12 construction or maintenance zone, as defined in Section
13 11-605.1 of the Illinois Vehicle Code, or (2) was operating a
14 vehicle while failing or refusing to comply with any lawful
15 order or direction of any authorized police officer or traffic
16 control aide engaged in traffic control, the penalty is a
17 Class 2 felony, for which a person, if sentenced to a term of
18 imprisonment, shall be sentenced to a term of not less than 6
19 years and not more than 28 years.

20 (e-9) In cases involving reckless homicide in which the
21 defendant drove a vehicle and used an incline in a roadway,
22 such as a railroad crossing, bridge approach, or hill, to
23 cause the vehicle to become airborne, and caused the deaths of
24 2 or more persons as part of a single course of conduct, the
25 penalty is a Class 2 felony.

26 (e-10) In cases involving involuntary manslaughter or

1 reckless homicide resulting in the death of a peace officer
2 killed in the performance of his or her duties as a peace
3 officer, the penalty is a Class 2 felony.

4 (e-11) In cases involving reckless homicide in which the
5 defendant unintentionally kills an individual while driving in
6 a posted school zone, as defined in Section 11-605 of the
7 Illinois Vehicle Code, while children are present or in a
8 construction or maintenance zone, as defined in Section
9 11-605.1 of the Illinois Vehicle Code, when construction or
10 maintenance workers are present the trier of fact may infer
11 that the defendant's actions were performed recklessly where
12 he or she was also either driving at a speed of more than 20
13 miles per hour in excess of the posted speed limit or violating
14 Section 11-501 of the Illinois Vehicle Code.

15 (e-12) Except as otherwise provided in subsection (e-13),
16 in cases involving reckless homicide in which the offense was
17 committed as result of a violation of subsection (c) of
18 Section 11-907 of the Illinois Vehicle Code, the penalty is a
19 Class 2 felony, for which a person, if sentenced to a term of
20 imprisonment, shall be sentenced to a term of not less than 3
21 years and not more than 14 years.

22 (e-13) In cases involving reckless homicide in which the
23 offense was committed as result of a violation of subsection
24 (c) of Section 11-907 of the Illinois Vehicle Code and the
25 defendant caused the deaths of 2 or more persons as part of a
26 single course of conduct, the penalty is a Class 2 felony, for

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

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

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

20 (e-16) In cases involving reckless homicide in which the
21 offense was committed as a result of a violation of Section
22 6-303 of the Illinois Vehicle Code and the defendant caused
23 the deaths of 2 or more persons as part of a single course of
24 conduct, the penalty is a Class 2 felony, for which a person,
25 if sentenced to a term of imprisonment, shall be sentenced to a
26 term of not less than 6 years and not more than 28 years.

1 (f) In cases involving involuntary manslaughter in which
2 the victim was a family or household member as defined in
3 paragraph (3) of Section 112A-3 of the Code of Criminal
4 Procedure of 1963, the penalty shall be a Class 2 felony, for
5 which a person if sentenced to a term of imprisonment, shall be
6 sentenced to a term of not less than 3 years and not more than
7 14 years.

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