



93RD GENERAL ASSEMBLY

State of Illinois

2003 and 2004

HB4587

Introduced 02/04/04, by Robert S. Molaro

SYNOPSIS AS INTRODUCED:

720 ILCS 5/9-3

from Ch. 38, par. 9-3

Amends the Criminal Code of 1961. Provides that in cases involving reckless homicide in which the defendant was driving in a construction or maintenance zone at a speed in excess of the posted speed limit required when workers are present or in violation of any warning signs that indicate that workers are present and caused the death of one person in the construction or maintenance zone, the penalty is a Class 1 felony. Provides that driving in a construction or maintenance zone at a speed in excess of the posted speed limit required when workers are present or in violation of any warning signs that indicate that workers are present constitutes a reckless act.

LRB093 20474 RLC 46262 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 1961 is amended by changing
5 Section 9-3 as follows:

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

7 (Text of Section before amendment by P.A. 93-178)

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

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

18 (b) (Blank).

19 (c) (Blank).

20 (d) Sentence.

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

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

23 (e) (Blank).

24 (e-5) (Blank).

25 (f) In cases involving involuntary manslaughter in which
26 the victim was a family or household member as defined in
27 paragraph (3) of Section 112A-3 of the Code of Criminal
28 Procedure of 1963, the penalty shall be a Class 2 felony, for
29 which a person if sentenced to a term of imprisonment, shall be
30 sentenced to a term of not less than 3 years and not more than
31 14 years.

32 (Source: P.A. 92-16, eff. 6-28-01; 93-213, eff. 7-18-03.)

1 (Text of Section after amendment by P.A. 93-178)

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

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4 without lawful justification commits involuntary manslaughter
5 if his acts whether lawful or unlawful which cause the death
6 are such as are likely to cause death or great bodily harm to
7 some individual, and he performs them recklessly, except in
8 cases in which the cause of the death consists of the driving
9 of a motor vehicle or operating a snowmobile, all-terrain
10 vehicle, or watercraft, in which case the person commits
11 reckless homicide.

12 (b) (Blank).

13 (c) (Blank).

14 (d) Sentence.

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

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

17 (e) (Blank). ~~subsections, (e-7), and (e-8)~~

18 (e-5) (Blank).

19 (e-7) Except as otherwise provided in subsections
20 ~~subsection~~ (e-8) and (e-9), in cases involving reckless
21 homicide in which the defendant was driving in a construction
22 or maintenance zone, as defined in Section 11-605 of the
23 Illinois Vehicle Code, the penalty is a Class 2 felony, for
24 which a person, if sentenced to a term of imprisonment, shall
25 be sentenced to a term of not less than 3 years and not more
26 than 14 years.

27 (e-8) In cases involving reckless homicide in which the
28 defendant was driving in a construction or maintenance zone, as
29 defined in Section 11-605 of the Illinois Vehicle Code, and
30 caused the deaths of 2 or more persons as part of a single
31 course of conduct, the penalty is a Class 2 felony, for which a
32 person, if sentenced to a term of imprisonment, shall be
33 sentenced to a term of not less than 6 years and not more than
34 28 years.

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

1 defendant was driving in a construction or maintenance zone, as
2 defined in Section 11-605 of the Illinois Vehicle Code, at a
3 speed in excess of the posted speed limit required when workers
4 are present or in violation of any warning signs that indicate
5 that workers are present and caused the death of one person in
6 the construction or maintenance zone, the penalty is a Class 1
7 felony.

8 (e-10) For purposes of this Section, driving in a
9 construction or maintenance zone at a speed in excess of the
10 posted speed limit required when workers are present or in
11 violation of any warning signs that indicate that workers are
12 present constitutes a reckless act.

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

20 (Source: P.A. 92-16, eff. 6-28-01; 93-178, eff. 6-1-04; 93-213,
21 eff. 7-18-03; revised 7-28-03.)