



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

HB5302

by Rep. Dennis M. Reboletti

#### 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: (1) by unlawfully delivering a controlled substance to a woman whom he or she knows to be pregnant; or by injecting, inhaling, absorbing, or ingesting any amount of that controlled substance; and (2) the death of an unborn child is caused by the injection, inhalation, absorption, or ingestion of any amount of that controlled substance. Provides that a violation is a Class X felony. Provides that certain violations are Class X felonies for which the defendant shall, in addition to a sentence authorized by law, be sentenced to a term of imprisonment of not less than 15 years and not more than 30 years or an extended term of not less than 30 years and not more than 60 years. Effective immediately.

LRB098 17710 RLC 52825 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) As used in this Section, "unborn child" means any  
9 individual of the human species from fertilization until birth.

10 (b) A person commits drug-induced homicide of an unborn  
11 child if:

12 (1) the person violates Section 401 of the Illinois  
13 Controlled Substances Act or Section 55 of the  
14 Methamphetamine Control and Community Protection Act by  
15 unlawfully delivering a controlled substance to a woman  
16 whom he or she knows to be pregnant; or by injecting,  
17 inhaling, absorbing, or ingesting any amount of that  
18 controlled substance; and

19 (2) the death of an unborn child is caused by the  
20 injection, inhalation, absorption, or ingestion of any  
21 amount of that controlled substance.

22 (c) Sentence. Drug-induced homicide of an unborn child is a  
23 Class X felony, except a person who commits drug-induced

1 homicide of an unborn child by violating subsection (a) or  
2 subsection (c) of Section 401 of the Illinois Controlled  
3 Substances Act or Section 55 of the Methamphetamine Control and  
4 Community Protection Act commits a Class X felony for which the  
5 defendant shall, in addition to a sentence authorized by law,  
6 be sentenced to a term of imprisonment of not less than 15  
7 years and not more than 30 years or an extended term of not  
8 less than 30 years and not more than 60 years.

9       Section 99. Effective date. This Act takes effect upon  
10 becoming law.