92_HB1045ham001

LRB9205940RCcdam

- 1 AMENDMENT TO HOUSE BILL 1045
- 2 AMENDMENT NO. ____. Amend House Bill 1045 by replacing
- 3 everything after the enacting clause with the following:
- 4 "Section 5. The Criminal Code of 1961 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
- 8 Homicide.
- 9 (a) A person who unintentionally kills an individual
- 10 without lawful justification commits involuntary manslaughter
- 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
- 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) In cases involving reckless homicide, being under
- 19 the influence of alcohol or any other drug or drugs at the
- 20 time of the alleged violation shall be presumed to be
- 21 evidence of a reckless act unless disproved by evidence to
- the contrary.

- 1 (c) For the purposes of this Section, a person shall be 2 considered to be under the influence of alcohol or other 3 drugs while:
 - 1. The alcohol concentration in the person's blood or breath is 0.08 or more based on the definition of blood and breath units in Section 11-501.2 of the Illinois Vehicle Code;
 - 2. Under the influence of alcohol to a degree that renders the person incapable of safely driving a motor vehicle or operating a snowmobile, all-terrain vehicle, or watercraft;
 - 3. Under the influence of any other drug or combination of drugs to a degree that renders the person incapable of safely driving a motor vehicle or operating a snowmobile, all-terrain vehicle, or watercraft; or
 - 4. Under the combined influence of alcohol and any other drug or drugs to a degree which renders the person incapable of safely driving a motor vehicle or operating a snowmobile, all-terrain vehicle, or watercraft.
 - (d) Sentence.

2.1

- (1) Involuntary manslaughter is a Class 3 felony.
- 22 (2) Reckless homicide is a Class 3 felony.
 - (e) Except as otherwise provided in <u>subsections</u> subsection (e-5) and (e-6), in cases involving reckless homicide in which the defendant was determined to have been under the influence of alcohol or any other drug or drugs as an element of the offense, or in cases in which the defendant is proven beyond a reasonable doubt to have been under the influence of alcohol or any other drug or drugs, the penalty shall be 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.
- 33 (e-5) In cases involving reckless homicide in which the 34 defendant was determined to have been under the influence of

- 1 alcohol or any other drug or drugs as an element of the
- offense, or in cases in which the defendant is proven beyond
- 3 a reasonable doubt to have been under the influence of
- 4 alcohol or any other drug or drugs, if the defendant kills 2
- 5 or more individuals as part of a single course of conduct,
- 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 6 years and not more than 28 years.
- 9 (e-6) In cases involving reckless homicide the penalty
- 10 shall be a Class 2 felony, for which a person, if
- 11 <u>sentenced to a term of imprisonment, shall be sentenced to</u>
- 12 <u>a term of not less than 6 years</u> and not more than 28 years:
- 13 (1) if the victim of the reckless homicide was any
- of the following persons killed while performing his or
- her official duties: (i) a peace officer; (ii) a fireman;
- 16 <u>(iii) an emergency medical technician-ambulance; (iv) an</u>
- 17 <u>emergency medical technician-intermediate; (v) an</u>
- 18 <u>emergency medical technician-paramedic; or (vi) an</u>
- 19 <u>ambulance driver; and</u>
- 20 (2) if the defendant was determined to have been
- 21 <u>under the influence of alcohol or any other drug or drugs</u>
- 22 <u>as an element of the offense, or in cases in</u>
- 23 <u>which the defendant is proven beyond a reasonable</u>

doubt to have been under the influence of alcohol or any

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

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- 33 (Source: P.A. 90-43, eff. 7-2-97; 90-119, eff. 1-1-98;
- 34 90-655, eff. 7-30-98; 91-6, eff. 1-1-00; 91-122, eff. 1-1-00;

1 revised 10-8-99.)".