

7.09

Definition Of Reckless Homicide

[1] A person commits the offense of reckless homicide when he unintentionally causes the death of an individual [without lawful justification] by [(driving a motor vehicle) (operating a snowmobile) (operating an all-terrain vehicle) (operating a watercraft)] recklessly and in a manner likely to cause death or great bodily harm.

[or]

[2] A person commits the offense of reckless homicide when he unintentionally causes the death of an individual while driving a vehicle and recklessly using an incline in a roadway, such as a railroad crossing, bridge approach, or hill, to cause the vehicle to become airborne.

Committee Note

720 ILCS 5/9-3(a) (West 2020), amended by P.A. 93-682, effective January 1, 2005.

Although the text of the reckless homicide statute as a whole has changed significantly since 2003 (see P.A. 93-213, § 7; P.A. 93-682, § 10; P.A. 95-467; P.A. 95-551; P.A. 95-587; P.A. 95-591; P.A. 95-803, § 10; P.A. 95-876, § 315; P.A. 95-884, § 10; P.A. 96-328, § 330; P.A. 101-173, § 20), the last substantive amendment to section 9-3(a) became effective on January 1, 2005, with the enactment of P.A. 93-682. That amendment added the offense defined in paragraph [2] above.

Give Instruction 5.01 defining the word “recklessness.”

Because Section 9-3 does not include a mental state in the second sentence, the Committee decided to provide a mental state pursuant to 720 ILCS 5/4-3(b) (West 1992). The Committee believes this action to be in accordance with *People v. Anderson*, 148 Ill.2d 15 (1992), which held that even though the criminal hazing statute listed no mental state, Section 4-3(b) still placed on the State the burden of proving either intent, knowledge, or recklessness.

Use applicable paragraph and bracketed material.

The brackets and numbers are present solely for the guidance of court and counsel and should not be included in the instructions submitted to the jury.