

## **7.09X**

### **Definition Of Under The Influence Of Alcohol--Aggravated Reckless Homicide**

A person is under the influence of alcohol or other drugs for the purpose of aggravated reckless homicide when he drives a vehicle while [ (the alcohol concentration in his blood or breath is 0.08 or more) (under the influence of alcohol or any other drug or drugs to the degree which renders him incapable of safely driving) ].

#### **Committee Note**

720 ILCS 5/9-3(c) (West 1992) (formerly Ill.Rev.Stat. ch. 38, §9-3(c) (1991)).

Give this instruction in cases in which the defendant is charged with reckless homicide including an allegation of intoxication. See Committee Note to Instruction 7.09A.

Instruction 23.30A defines the term “alcohol concentration”. See Committee Note to Instruction 23.30A.

Use applicable bracketed material.