

## 7.10 Issues In Reckless Homicide

To sustain the charge of reckless homicide, the State must prove the following propositions:

[1] *First Proposition:* That the defendant caused the death of \_\_\_\_ [without lawful justification] by [(driving a motor vehicle) (operating a snowmobile) (operating an all-terrain vehicle) (operating a watercraft)]; and

*Second Proposition:* That the defendant [(drove a motor vehicle) (operated a snowmobile) (operated an all-terrain vehicle) (operated a watercraft)] recklessly; and

*Third Proposition:* That the defendant [(drove a motor vehicle) (operated a snowmobile) (operated an all-terrain vehicle) (operated a watercraft)] in a manner likely to cause death or great bodily harm.

If you find from your consideration of all the evidence that each one of these propositions has been proved beyond a reasonable doubt, you should find the defendant guilty.

If you find from your consideration of all the evidence that any one of these propositions has not been proved beyond a reasonable doubt, you should find the defendant not guilty.

[or]

To sustain the charge of reckless homicide, the State must prove the following propositions:

[2] *First Proposition:* That the defendant caused the death of \_\_\_\_ [without lawful justification] by driving a vehicle; and

*Second Proposition:* That the defendant, while driving the vehicle, recklessly used an incline in a roadway to cause the vehicle to become airborne.

If you find from your consideration of all the evidence that each one of these propositions has been proved beyond a reasonable doubt, you should find the defendant guilty.

If you find from your consideration of all the evidence that any one of these propositions has not been proved beyond a reasonable doubt, you should find the defendant not guilty.

### 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 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 most recent substantive amendment 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 7.09.

When applicable, give Instruction 7.09Y (Inferences of ‘Reckless’ Conduct—Reckless Homicide).

Insert in the blank the name of the victim.

When accountability is an issue, ordinarily insert the phrase “or one for whose conduct he is legally responsible” after the word “defendant” in each proposition. See Instruction 5.03.

Use applicable paragraphs and bracketed material.

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