

**7.09**  
**Definition Of Reckless Homicide**

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]

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, 1999) (formerly Ill.Rev.Stat. ch. 38 §9-3(a) (1991)), amended by P.A. 93-682, effective January 1, 2005.

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) (formerly Ill.Rev.Stat. ch. 38, §4-3(b) (1991)). The Committee believes this action to be in accordance with *People v. Anderson*, 148 Ill.2d 15, 591 N.E.2d 461, 169 Ill.Dec.288(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 are present solely for the guidance of court and counsel and should not be included in the instructions submitted to the jury.