



Rep. Kathleen Willis

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10000HB4390ham001

LRB100 16630 RLC 35858 a

1 AMENDMENT TO HOUSE BILL 4390

2 AMENDMENT NO. _____. Amend House Bill 4390 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. This Act may be referred to as the Daniel
5 Capuano Memorial Act.

6 Section 5. The Criminal Code of 2012 is amended by adding
7 Section 12-5.1b as follows:

8 (720 ILCS 5/12-5.1b new)

9 Sec. 12-5.1b. First responder endangerment.

10 (a) As used in this Section:

11 "Commercial property" means developed real property
12 used exclusively for business purposes, including
13 non-residential spaces in mixed-use property, and does not
14 include residential or multi-family real property.

15 "Dangerous condition" means a patently obvious

1 condition of a life-threatening nature that results from
2 structural or architectural work done without first
3 submitting for a permit, or from a building code violation
4 of which the person received actual notice from the code
5 compliance official and failed to take corrective action
6 within the time period specified by the code compliance
7 official. "Dangerous condition" does not include actions
8 undertaken without a permit to address or remediate a
9 situation or condition that presents a clear and present
10 threat to safety or to the integrity of the building.
11 "Dangerous condition" does not include any failure by a
12 governmental entity to make capital improvements or fund
13 repairs that are not supported by an appropriation or
14 budget enacted or adopted specifically for the property.

15 "First responder" means emergency medical services
16 personnel as defined in Section 3.5 of the Emergency
17 Medical Services (EMS) Systems Act, a law enforcement
18 officer, or firefighter.

19 "Management or operational control" means the lawful
20 ownership of or direct contractual relationship with the
21 lawful owner for the person to manage the commercial
22 property. "Management or operational control" does not
23 include engineering, security, elevator operating, or dock
24 or janitorial services performed by any person who is
25 retained exclusively to provide the services and who does
26 not have overall management or operational control of the

1 building.

2 "Person" means a natural person, and only includes an
3 individual who had personal or professional management or
4 operational control of commercial real estate and who
5 directly exercised final decision-making authority to
6 create and conceal the dangerous condition causing death or
7 serious bodily injury.

8 "Serious bodily injury" means bodily injury that
9 results in a permanent disfigurement or permanent loss or
10 impairment of a bodily function, limb, or organ.

11 (b) A person commits first responder endangerment when he
12 or she (1) knowingly creates a dangerous condition and (2)
13 intentionally conceals the dangerous condition in a commercial
14 property under his or her management or operational control and
15 the dangerous condition is the primary cause of the death or
16 serious bodily injury of a first responder in the course of his
17 or her official duties.

18 (c) Sentence. First responder endangerment is a Class 4
19 felony."