



Sen. Don Harmon

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10000SB2073sam002

LRB100 06854 RLC 27314 a

1 AMENDMENT TO SENATE BILL 2073

2 AMENDMENT NO. _____. Amend Senate Bill 2073, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

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

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

9 (720 ILCS 5/12-5.1b new)

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

11 (a) As used in this Section:

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

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

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

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

1 not have overall management or operational control of the
2 building.

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

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

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

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