



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

HB5219

Introduced 01/24/06, by Rep. David R. Leitch

#### SYNOPSIS AS INTRODUCED:

20 ILCS 2630/3.2	from Ch. 38, par. 206-3.2
325 ILCS 5/7	from Ch. 23, par. 2057
325 ILCS 5/7.3	from Ch. 23, par. 2057.3

Amends the Criminal Identification Act. Expands the circumstances under which medical personnel must notify local law enforcement of injuries. Requires notification for injuries that reasonably appear to have resulted from stabbing. Provides that injuries that must be reported by medical personnel if sustained in the commission of or as a victim of a criminal offense, include, but are not limited to: death, head injury (skull fracture, brain damage, or bleeding in the brain, such as subdural hematoma or shaken-baby syndrome), internal injury, burning, scalding, poison or noxious substance exposure, bone fracture, sexual penetration, and any other physical injury suggestive of or related to sexual molestation or sexual exploitation. Provides that any hospital, physician, or nurse who willfully fails to notify the local law enforcement agency as required shall be reported to the appropriate professional organizations and the Department of Financial and Professional Regulation for disciplinary action and, for a first offense, is guilty of a Class A misdemeanor. Sets forth that any person who violates this reporting requirement a second or subsequent time commits a Class 4 felony. Amends the Abused and Neglected Child Reporting Act. Provides that reports of suspected child abuse or neglect made to the central register through the State-wide, toll-free telephone number shall be immediately transmitted to the appropriate local law enforcement agency. Provides that all oral reports made by the Department of Children and Family Services to local law enforcement personnel and the office of the State's Attorney of the involved county shall be confirmed in writing within 24 (instead of 48) hours of the oral report. Provides that the Department may adopt rules expressly allowing law enforcement personnel to investigate reports of suspected child abuse or neglect concurrently with the Department, without regard to whether the Department determines a report to be "indicated" or "unfounded" or deems a report to be "undetermined". Effective immediately.

LRB094 19234 RSP 54801 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

FISCAL NOTE ACT  
MAY APPLY

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Criminal Identification Act is amended by  
5 changing Section 3.2 as follows:

6 (20 ILCS 2630/3.2) (from Ch. 38, par. 206-3.2)

7 Sec. 3.2. It is the duty of any person conducting or  
8 operating a medical facility, or any physician or nurse as soon  
9 as treatment permits to notify the local law enforcement agency  
10 of that jurisdiction upon the application for treatment of a  
11 person (adult or minor) who is not accompanied by a law  
12 enforcement officer, when it reasonably appears that the person  
13 requesting treatment has received:

14 (1) any injury resulting from the discharge of a  
15 firearm or stabbing; or

16 (2) any injury sustained in the commission of or as a  
17 victim of a criminal offense, including, but not limited  
18 to: death, head injury (skull fracture, brain damage, or  
19 bleeding in the brain, such as subdural hematoma or  
20 shaken-baby syndrome), internal injury, burning, scalding,  
21 poison or noxious substance exposure, bone fracture,  
22 sexual penetration, and any other physical injury  
23 suggestive of or related to sexual molestation or sexual  
24 exploitation.

25 Any hospital, physician or nurse shall be forever held  
26 harmless from any civil liability for their reasonable  
27 compliance with the provisions of this Section.

28 Any hospital, physician, or nurse who willfully fails to  
29 notify the local law enforcement agency as required by this  
30 Section shall be reported to the appropriate professional  
31 organizations and the Department of Financial and Professional  
32 Regulation for disciplinary action and, for a first offense, is

1 guilty of a Class A misdemeanor. Any person who violates this  
2 Section a second or subsequent time is guilty of a Class 4  
3 felony.

4 (Source: P.A. 86-1475.)

5 Section 10. The Abused and Neglected Child Reporting Act is  
6 amended by changing Sections 7 and 7.3 as follows:

7 (325 ILCS 5/7) (from Ch. 23, par. 2057)

8 Sec. 7. Time and manner of making reports. All reports of  
9 suspected child abuse or neglect made under this Act shall be  
10 made immediately by telephone to the central register  
11 established under Section 7.7 on the single, State-wide,  
12 toll-free telephone number established in Section 7.6, or in  
13 person or by telephone through the nearest Department office.  
14 The Department shall, in cooperation with school officials,  
15 distribute appropriate materials in school buildings listing  
16 the toll-free telephone number established in Section 7.6,  
17 including methods of making a report under this Act. The  
18 Department may, in cooperation with appropriate members of the  
19 clergy, distribute appropriate materials in churches,  
20 synagogues, temples, mosques, or other religious buildings  
21 listing the toll-free telephone number established in Section  
22 7.6, including methods of making a report under this Act.

23 Wherever the Statewide number is posted, there shall also  
24 be posted the following notice:

25 "Any person who knowingly transmits a false report to the  
26 Department commits the offense of disorderly conduct under  
27 subsection (a) (7) of Section 26-1 of the Criminal Code of 1961.  
28 A first violation of this subsection is a Class A misdemeanor,  
29 punishable by a term of imprisonment for up to one year, or by  
30 a fine not to exceed \$1,000, or by both such term and fine. A  
31 second or subsequent violation is a Class 4 felony."

32 The report required by this Act shall include, if known,  
33 the name and address of the child and his parents or other  
34 persons having his custody; the child's age; the nature of the

1 child's condition including any evidence of previous injuries  
2 or disabilities; and any other information that the person  
3 filing the report believes might be helpful in establishing the  
4 cause of such abuse or neglect and the identity of the person  
5 believed to have caused such abuse or neglect. Reports made to  
6 the central register through the State-wide, toll-free  
7 telephone number shall be immediately transmitted to the  
8 appropriate Child Protective Service Unit and to the  
9 appropriate local law enforcement agency. The Department shall  
10 within 24 hours orally notify local law enforcement personnel  
11 and the office of the State's Attorney of the involved county  
12 of the receipt of any report alleging the death of a child,  
13 serious injury to a child including, but not limited to, brain  
14 damage, skull fractures, subdural hematomas, and, internal  
15 injuries, torture of a child, malnutrition of a child, and  
16 sexual abuse to a child, including, but not limited to, sexual  
17 intercourse, sexual exploitation, sexual molestation, and  
18 sexually transmitted disease in a child age twelve and under.  
19 All oral reports made by the Department to local law  
20 enforcement personnel and the office of the State's Attorney of  
21 the involved county shall be confirmed in writing within 24 ~~48~~  
22 hours of the oral report. All reports by persons mandated to  
23 report under this Act shall be confirmed in writing to the  
24 appropriate Child Protective Service Unit, which may be on  
25 forms supplied by the Department, within 48 hours of any  
26 initial report.

27 Written confirmation reports from persons not required to  
28 report by this Act may be made to the appropriate Child  
29 Protective Service Unit. Written reports from persons required  
30 by this Act to report shall be admissible in evidence in any  
31 judicial proceeding relating to child abuse or neglect. Reports  
32 involving known or suspected child abuse or neglect in public  
33 or private residential agencies or institutions shall be made  
34 and received in the same manner as all other reports made under  
35 this Act.

36 (Source: P.A. 92-801, eff. 8-16-02.)

1 (325 ILCS 5/7.3) (from Ch. 23, par. 2057.3)

2 Sec. 7.3.

3 (a) The Department shall be the sole agency responsible for  
4 receiving and investigating reports of child abuse or neglect  
5 made under this Act, except where investigations by other  
6 agencies may be required with respect to reports alleging the  
7 death of a child, serious injury to a child or sexual abuse to  
8 a child made pursuant to Sections 4.1 or 7 of this Act, and  
9 except that the Department may delegate the performance of the  
10 investigation to the Department of State Police, a law  
11 enforcement agency and to those private social service agencies  
12 which have been designated for this purpose by the Department  
13 prior to July 1, 1980.

14 (b) Notwithstanding any other provision of this Act, the  
15 Department may adopt rules expressly allowing law enforcement  
16 personnel to investigate reports of suspected child abuse or  
17 neglect concurrently with the Department, without regard to  
18 whether the Department determines a report to be "indicated" or  
19 "unfounded" or deems a report to be "undetermined".

20 (Source: P.A. 85-1440.)

21 Section 99. Effective date. This Act takes effect upon  
22 becoming law.