



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

HB3357

by Rep. Michael W. Tryon

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/12-4.4b new

Amends the Criminal Code of 2012. Creates the offense of abandoning a disabled adult. Provides that a parent or legal guardian of a person who at the time of the offense was a severely or profoundly intellectually disabled person at least 18 years of age commits abandoning a disabled adult when he or she without regard for the mental or physical health, safety, or welfare of the person knowingly leaves the severely or profoundly intellectually disabled person without supervision by a responsible person over the age of 14 for a period of 24 hours or more. Establishes factors the trier of fact shall consider for the purposes of determining whether the severely or profoundly intellectually disabled person was left without regard for the mental or physical health, safety, or welfare of that severely or profoundly intellectually disabled person. Provides that abandoning a disabled adult is a Class 4 felony. Provides that a second or subsequent offense after a prior conviction is a Class 3 felony.

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CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

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

4 Section 5. The Criminal Code of 2012 is amended by adding  
5 Section 12-4.4b as follows:

6 (720 ILCS 5/12-4.4b new)

7 Sec. 12-4.4b. Abandoning a disabled adult.

8 (a) A parent or legal guardian of a person who at the time  
9 of the offense was a severely or profoundly intellectually  
10 disabled person at least 18 years of age commits abandoning a  
11 disabled adult when he or she without regard for the mental or  
12 physical health, safety, or welfare of the person knowingly  
13 leaves the severely or profoundly intellectually disabled  
14 person without supervision by a responsible person over the age  
15 of 14 for a period of 24 hours or more.

16 (b) For the purposes of determining whether the severely or  
17 profoundly intellectually disabled person was left without  
18 regard for the mental or physical health, safety, or welfare of  
19 that severely or profoundly intellectually disabled person,  
20 the trier of fact shall consider the following factors:

21 (1) the age of the severely or profoundly  
22 intellectually disabled person;

23 (2) the number of severely or profoundly

1 intellectually disabled persons left at the location;

2 (3) special needs of the severely or profoundly  
3 intellectually disabled person, including whether the  
4 severely or profoundly intellectually disabled person is  
5 physically handicapped, or otherwise in need of ongoing  
6 prescribed medical treatment such as periodic doses of  
7 insulin or other medications;

8 (4) the duration of time in which the severely or  
9 profoundly intellectually disabled person was left without  
10 supervision;

11 (5) the condition and location of the place where the  
12 severely or profoundly intellectually disabled person was  
13 left without supervision;

14 (6) the time of day or night when the severely or  
15 profoundly intellectually disabled person was left without  
16 supervision;

17 (7) the weather conditions, including whether the  
18 severely or profoundly intellectually disabled person was  
19 left in a location with adequate protection from the  
20 natural elements such as adequate heat or light;

21 (8) the location of the parent or legal guardian at the  
22 time the severely or profoundly intellectually disabled  
23 person was left without supervision, the physical distance  
24 the severely or profoundly intellectually disabled person  
25 was from the parent or legal guardian at the time the  
26 severely or profoundly intellectually disabled person was

1 without supervision;

2 (9) whether the severely or profoundly intellectually  
3 disabled person's movement was restricted, or the severely  
4 or profoundly intellectually disabled person was otherwise  
5 locked within a room or other structure;

6 (10) whether the severely or profoundly intellectually  
7 disabled person was given a phone number of a person or  
8 location to call in the event of an emergency and whether  
9 the severely or profoundly intellectually disabled person  
10 was capable of making an emergency call;

11 (11) whether there was food and other provision left  
12 for the severely or profoundly intellectually disabled  
13 person;

14 (12) whether any of the conduct is attributable to  
15 economic hardship or illness and the parent or legal  
16 guardian made a good faith effort to provide for the health  
17 and safety of the severely or profoundly intellectually  
18 disabled person;

19 (13) the age and physical and mental capabilities of  
20 the person or persons who provided supervision for the  
21 severely or profoundly intellectually disabled person;

22 (14) any other factor that would endanger the health or  
23 safety of that particular severely or profoundly  
24 intellectually disabled person; and

25 (15) whether the severely or profoundly intellectually  
26 disabled person was left under the supervision of another

1 person.

2 (c) It is a defense to a violation of this Section that, at  
3 the time of the offense, the defendant was not legal guardian  
4 of the severely or profoundly intellectually disabled person or  
5 that guardianship was transferred by court order from the  
6 parent or legal guardian to another legal guardian.

7 (d) Sentence. Abandoning a disabled adult is a Class 4  
8 felony. A second or subsequent offense after a prior conviction  
9 is a Class 3 felony.