



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB2401

Introduced 2/4/2025, by Rep. Michael J. Kelly

SYNOPSIS AS INTRODUCED:

720 ILCS 5/12-5.1b new

Provides that the Act may be referred to as the Daniel Capuano Memorial Act. Amends the Criminal Code of 2012. Creates the offense of first responder endangerment. Provides that a person commits the offense when he or she knowingly creates a dangerous condition and intentionally conceals the dangerous condition in a commercial property under his or her management or operational control and the dangerous condition is found to be the primary cause of the death or serious bodily injury of a first responder in the course of his or her official duties. Provides that a violation is a Class 4 felony. Defines various terms.

LRB104 10264 RLC 20338 b

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 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) 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
16 condition of a life-threatening nature that results from
17 structural or architectural work done without first
18 submitting for a permit, or from a building code violation
19 of which the person received actual notice from the code
20 compliance official and failed to take corrective action
21 within the time period specified by the code compliance
22 official. "Dangerous condition" does not include actions

1 undertaken without a permit to address or remediate a
2 situation or condition that presents a clear and present
3 threat to safety or to the integrity of the building.
4 "Dangerous condition" does not include any failure by a
5 governmental entity to make capital improvements or fund
6 repairs that are not supported by an appropriation or
7 budget enacted or adopted specifically for the property.

8 "First responder" means emergency medical services
9 personnel as defined in Section 3.5 of the Emergency
10 Medical Services (EMS) Systems Act, a law enforcement
11 officer, or firefighter.

12 "Management or operational control" means the lawful
13 ownership of or direct contractual relationship with the
14 lawful owner for the person to manage the commercial
15 property. "Management or operational control" does not
16 include engineering, security, elevator operating, or dock
17 or janitorial services performed by any person who is
18 retained exclusively to provide the services and who does
19 not have overall management or operational control of the
20 building.

21 "Person" means a natural person, and only includes an
22 individual who had personal or professional management or
23 operational control of commercial real estate and who
24 directly exercised final decision-making authority to
25 create and conceal the dangerous condition causing death
26 or serious bodily injury.

1 "Serious bodily injury" means bodily injury that
2 results in a permanent disfigurement or permanent loss or
3 impairment of a bodily function, limb, or organ.

4 (b) A person commits first responder endangerment when he
5 or she (1) knowingly creates a dangerous condition and (2)
6 intentionally conceals the dangerous condition in a commercial
7 property under his or her management or operational control
8 and the dangerous condition is the primary cause of the death
9 or serious bodily injury of a first responder in the course of
10 his or her official duties.

11 (c) Sentence. First responder endangerment is a Class 4
12 felony.