



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

HB3448

Introduced 2/18/2025, by Rep. Maurice A. West, II

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/12C-5

was 720 ILCS 5/12-21.6

Amends the Criminal Code of 2012. In the provision concerning endangering the life or health of a child, provides that a trier of fact may infer that the life or health of a child under 18 years of age is endangered when a person owns a swimming pool and demonstrates neglect of the barrier surrounding the swimming pool in a manner in which a reasonable person could believe that a child under 18 years of age would be attracted to the swimming pool and could fall into the swimming pool and die or be injured as a result of the fall and a child under 18 years of age dies or is injured in the person's swimming pool. Defines "swimming pool".

LRB104 11316 RLC 21402 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 5. The Criminal Code of 2012 is amended by  
5 changing Section 12C-5 as follows:

6 (720 ILCS 5/12C-5) (was 720 ILCS 5/12-21.6)

7 Sec. 12C-5. Endangering the life or health of a child.

8 (a) A person commits endangering the life or health of a  
9 child when he or she knowingly: (1) causes or permits the life  
10 or health of a child under the age of 18 to be endangered; or  
11 (2) causes or permits a child to be placed in circumstances  
12 that endanger the child's life or health. It is not a violation  
13 of this Section for a person to relinquish a child in  
14 accordance with the Abandoned Newborn Infant Protection Act.

15 (b) A trier of fact may infer that a child 6 years of age  
16 or younger is unattended if that child is left in a motor  
17 vehicle for more than 10 minutes.

18 (b-1) A trier of fact may infer that the life or health of  
19 a child under 18 years of age is endangered when a person owns  
20 a swimming pool and demonstrates neglect of the barrier  
21 surrounding the swimming pool in a manner in which a  
22 reasonable person could believe that a child under 18 years of  
23 age would be attracted to the swimming pool and could fall into

1 the swimming pool and die or be injured as a result of the fall  
2 and a child under 18 years of age dies or is injured in the  
3 person's swimming pool. For the purposes of this subsection,  
4 "swimming pool" means any artificial basin of water that is  
5 modified, improved, constructed, or installed for the purpose  
6 of swimming, wading, floating, or diving.

7 (c) "Unattended" means either: (i) not accompanied by a  
8 person 14 years of age or older; or (ii) if accompanied by a  
9 person 14 years of age or older, out of sight of that person.

10 (d) Sentence. A violation of this Section is a Class A  
11 misdemeanor. A second or subsequent violation of this Section  
12 is a Class 3 felony. A violation of this Section that is a  
13 proximate cause of the death of the child is a Class 3 felony  
14 for which a person, if sentenced to a term of imprisonment,  
15 shall be sentenced to a term of not less than 2 years and not  
16 more than 10 years. A parent, who is found to be in violation  
17 of this Section with respect to his or her child, may be  
18 sentenced to probation for this offense pursuant to Section  
19 12C-15.

20 (Source: P.A. 97-1109, eff. 1-1-13.)