



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB4578

Introduced 2/3/2026, by Rep. Michelle Mussman

SYNOPSIS AS INTRODUCED:

See Index

Amends the Criminal Code of 2012. Provides that a second or subsequent violation of endangering the life or health of a child or a similar statute of this State or any other state of an offense that is substantially equivalent to the offense of endangering the life or health of a child is a Class 3 felony. Provides that in addition to any other penalty provided by law, upon conviction for endangering the life or health of a child, the court may order the convicted person to undergo a psychological or psychiatric evaluation and to undergo any treatment at the convicted person's expense that the court determines to be appropriate after due consideration of the evaluation. Provides that the special probation provisions are not applicable to a person convicted of a second or subsequent violation of endangering the life or health of a child or child abandonment or similar statutes of other states. Amends the Code of Criminal Procedure of 1963. Provides that in a prosecution for a physical or sexual act perpetrated upon or against a youth who is a victim of trafficking in persons, involuntary servitude, and related offenses, provides for the admission of certain evidence as an exception to the hearsay rule. Amends the Bill of Rights for Children. Provides that a child reported to the Department of Children and Family Services or law enforcement to be a victim of a physical act or a youth who is a victim of trafficking in persons, involuntary servitude, and related offenses, whose case is accepted by either agency for investigation has the right to have that child's forensic interview conducted by a forensic interviewer from a children's advocacy center accredited according to the Children's Advocacy Center Act and serving the child's area or jurisdiction where the incident occurred, when such service is accessible based on the children's advocacy center's available resources. Amends the Privacy of Child Victims of Criminal Sexual Offenses Act. In a prosecution or investigation of sexual abuse against children under 18 years of age, permits disclosure to a multidisciplinary team member, as defined in the Children's Advocacy Center Act, and to a nonoffending parent or guardian of the identity of any child who is a victim of such criminal sexual offense or alleged criminal sexual offense. Defines "child" and "youth".

LRB104 17777 RLC 31209 b

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
5 changing Sections 12C-5 and 12C-15 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 (c) "Unattended" means either: (i) not accompanied by a
19 person 14 years of age or older; or (ii) if accompanied by a
20 person 14 years of age or older, out of sight of that person.

21 (d) Sentence. A violation of this Section is a Class A
22 misdemeanor. A second or subsequent violation of this Section
23 or a similar statute of this State or any other state of an

1 offense that is substantially equivalent to the offense of
2 endangering the life or health of a child is a Class 3 felony.
3 In addition to any other penalty provided by law, upon
4 conviction for violating subsection (a) of this Section, the
5 court may order the convicted person to undergo a
6 psychological or psychiatric evaluation and to undergo any
7 treatment at the convicted person's expense that the court
8 determines to be appropriate after due consideration of the
9 evaluation. A violation of this Section that is a proximate
10 cause of the death of the child is a Class 3 felony for which a
11 person, if sentenced to a term of imprisonment, shall be
12 sentenced to a term of not less than 2 years and not more than
13 10 years. A parent, who is found to be in violation of this
14 Section with respect to his or her child, may be sentenced to
15 probation for this offense pursuant to Section 12C-15.

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

17 (720 ILCS 5/12C-15) (was 720 ILCS 5/12-22)

18 Sec. 12C-15. Child abandonment or endangerment; probation.

19 (a) Whenever a parent of a child as determined by the court
20 on the facts before it, pleads guilty to or is found guilty of,
21 with respect to his or her child, child abandonment under
22 Section 12C-10 of this Article or endangering the life or
23 health of a child under Section 12C-5 of this Article, the
24 court may, without entering a judgment of guilt and with the
25 consent of the person, defer further proceedings and place the

1 person upon probation upon the reasonable terms and conditions
2 as the court may require. At least one term of the probation
3 shall require the person to cooperate with the Department of
4 Children and Family Services at the times and in the programs
5 that the Department of Children and Family Services may
6 require.

7 (b) Upon fulfillment of the terms and conditions imposed
8 under subsection (a), the court shall discharge the person and
9 dismiss the proceedings. Discharge and dismissal under this
10 Section shall be without court adjudication of guilt and shall
11 not be considered a conviction for purposes of
12 disqualification or disabilities imposed by law upon
13 conviction of a crime. However, a record of the disposition
14 shall be reported by the clerk of the circuit court to the
15 Illinois State Police under Section 2.1 of the Criminal
16 Identification Act, and the record shall be maintained and
17 provided to any civil authority in connection with a
18 determination of whether the person is an acceptable candidate
19 for the care, custody and supervision of children.

20 (c) Discharge and dismissal under this Section may occur
21 only once.

22 (d) Probation under this Section may not be for a period of
23 less than 2 years.

24 (e) If the child dies of the injuries alleged, this
25 Section shall be inapplicable.

26 (f) This Section is inapplicable to a second or subsequent

1 violation of this Section or a similar statute of this State or
2 any other state of an offense that is substantially equivalent
3 to the offense of endangering the life or health of a child.

4 (Source: P.A. 102-538, eff. 8-20-21.)

5 Section 10. The Code of Criminal Procedure of 1963 is
6 amended by changing Section 115-10 as follows:

7 (725 ILCS 5/115-10) (from Ch. 38, par. 115-10)

8 Sec. 115-10. Certain hearsay exceptions.

9 (a) In a prosecution for a physical or sexual act
10 perpetrated upon or against a child or youth who is a victim of
11 trafficking in persons, involuntary servitude, and related
12 offenses ~~under the age of 13~~, a person with an intellectual
13 disability, a person with a cognitive impairment, or a person
14 with a developmental disability, including, but not limited
15 to, prosecutions for violations of Sections 11-1.20 through
16 11-1.60 or 12-13 through 12-16 of the Criminal Code of 1961 or
17 the Criminal Code of 2012 and prosecutions for violations of
18 Sections 10-1 (kidnapping), 10-2 (aggravated kidnapping), 10-3
19 (unlawful restraint), 10-3.1 (aggravated unlawful restraint),
20 10-4 (forcible detention), 10-5 (child abduction), 10-6
21 (harboring a runaway), 10-7 (aiding or abetting child
22 abduction), 10-9 (trafficking in persons, involuntary
23 servitude, and related offenses), 11-9 (public indecency),
24 11-11 (sexual relations within families), 11-21 (harmful

1 material), 12-1 (assault), 12-2 (aggravated assault), 12-3
2 (battery), 12-3.2 (domestic battery), 12-3.3 (aggravated
3 domestic battery), 12-3.05 or 12-4 (aggravated battery),
4 12-4.1 (heinous battery), 12-4.2 (aggravated battery with a
5 firearm), 12-4.3 (aggravated battery of a child), 12-4.7 (drug
6 induced infliction of great bodily harm), 12-5 (reckless
7 conduct), 12-6 (intimidation), 12-6.1 or 12-6.5 (compelling
8 organization membership of persons), 12-7.1 (hate crime),
9 12-7.3 (stalking), 12-7.4 (aggravated stalking), 12-10 or
10 12C-35 (tattooing the body of a minor), 12-11 or 19-6 (home
11 invasion), 12-21.5 or 12C-10 (child abandonment), 12-21.6 or
12 12C-5 (endangering the life or health of a child) or 12-32
13 (ritual mutilation) of the Criminal Code of 1961 or the
14 Criminal Code of 2012 or any sex offense as defined in
15 subsection (B) of Section 2 of the Sex Offender Registration
16 Act, the following evidence shall be admitted as an exception
17 to the hearsay rule:

18 (1) testimony by the victim or qualified witness of an
19 out of court statement made by that person ~~the victim~~ that
20 he or she complained of a qualified ~~such~~ act to another;
21 and

22 (2) testimony of an out of court statement made by the
23 victim or qualified witness describing any complaint of
24 such act or matter or detail pertaining to any act which is
25 an element of an offense which is the subject of a
26 prosecution for a sexual or physical act against the ~~that~~

1 victim.

2 (b) Such testimony shall only be admitted if:

3 (1) The court finds in a hearing conducted outside the
4 presence of the jury that the time, content, and
5 circumstances of the statement provide sufficient
6 safeguards of reliability; and

7 (2) The victim or qualified witness ~~child or person~~
8 ~~with an intellectual disability, a cognitive impairment,~~
9 ~~or developmental disability~~ either:

10 (A) testifies at the proceeding; or

11 (B) is unavailable as a witness and there is
12 corroborative evidence of the act which is the subject
13 of the statement; and

14 (3) In a case in which the victim or qualified witness
15 is involving an offense perpetrated against a child under
16 the age of 18 13, where the out of court statement was made
17 before the victim attained 18 13 years of age or within 3
18 months after the commission of the offense, whichever
19 occurs later, such ~~but the~~ statement may be admitted
20 regardless of the age of the victim or qualified witness
21 at the time of the proceeding.

22 (c) If a statement is admitted pursuant to this Section,
23 the court shall instruct the jury that it is for the jury to
24 determine the weight and credibility to be given the statement
25 and that, in making the determination, it shall consider the
26 age and maturity of the child, or the intellectual

1 capabilities of the person with an intellectual disability, a
2 cognitive impairment, or developmental disability, the nature
3 of the statement, the circumstances under which the statement
4 was made, and any other relevant factor.

5 (d) The proponent of the statement shall give the adverse
6 party reasonable notice of his intention to offer the
7 statement and the particulars of the statement.

8 (e) Statements described in paragraphs (1) and (2) of
9 subsection (a) shall not be excluded on the basis that they
10 were obtained as a result of interviews conducted pursuant to
11 a protocol adopted by a Child Advocacy Advisory Board as set
12 forth in subsections (c), (d), and (e) of Section 3 of the
13 Children's Advocacy Center Act or that an interviewer or
14 witness to the interview was or is an employee, agent, or
15 investigator of a State's Attorney's office.

16 (f) For the purposes of this Section:

17 "Child" means a person under 18 years of age.

18 "Youth" means a victim of trafficking in persons,
19 involuntary servitude, and related offenses.

20 "Qualified act" means an act of the defendant, or one for
21 whose conduct the defendant is legally responsible, deemed
22 admissible by the court under Illinois Rules of Evidence
23 404(b) or 413, or both, or under any of Sections 115-7.3,
24 115-7.4, or 115-20 of this Code, or a combination of any of
25 these Sections.

26 "Qualified witness" means a witness who is a child under

1 18 years of age, a person with an intellectual disability, a
2 person with a cognitive impairment, or a person with a
3 developmental disability.

4 "Person with a cognitive impairment" means a person with a
5 significant impairment of cognition or memory that represents
6 a marked deterioration from a previous level of function.
7 Cognitive impairment includes, but is not limited to,
8 dementia, amnesia, delirium, or a traumatic brain injury.

9 "Person with a developmental disability" means a person
10 with a disability that is attributable to (1) an intellectual
11 disability, cerebral palsy, epilepsy, or autism, or (2) any
12 other condition that results in an impairment similar to that
13 caused by an intellectual disability and requires services
14 similar to those required by a person with an intellectual
15 disability.

16 "Person with an intellectual disability" means a person
17 with significantly subaverage general intellectual functioning
18 which exists concurrently with an impairment in adaptive
19 behavior.

20 (Source: P.A. 104-159, eff. 1-1-26.)

21 Section 15. The Bill of Rights for Children is amended by
22 changing Section 3.5 as follows:

23 (725 ILCS 115/3.5)

24 Sec. 3.5. Right to forensic interview with children's

1 advocacy center. Every child reported to the Department of
2 Children and Family Services or law enforcement to be a victim
3 of sexual assault or sexual abuse, a physical act, or youth who
4 is a victim of trafficking in persons, involuntary servitude,
5 and related offenses, whose case is accepted by either agency
6 for investigation has the right to have that child's forensic
7 interview conducted by a forensic interviewer from a
8 children's advocacy center accredited according to the
9 Children's Advocacy Center Act and serving the child's area or
10 jurisdiction where the incident(s) occurred, when such service
11 is accessible based on the CAC's available resources. Notice
12 of the right to a forensic interview and the trauma-informed
13 services provided by a children's advocacy center must be
14 given by the investigative personnel and ~~This right~~ may be
15 asserted by the child or the child's parent or guardian
16 informing the investigating personnel at the Department of
17 Children and Family Services or the law enforcement agency
18 that the parent or guardian wants the child to have the child's
19 interview conducted by the children's advocacy center. Each
20 local CAC protocol will outline a process to address
21 situations in which it is deemed not possible for a forensic
22 interview to occur, to ensure a trauma-informed response with
23 follow up services from the CAC. In this Section:

24 "Child" or "children" means a person or persons under 18
25 years of age.

26 "Youth" means persons at least 18 years of age and under 24

1 years of age.

2 (Source: P.A. 102-477, eff. 1-1-22.)

3 Section 20. The Privacy of Child Victims of Criminal
4 Sexual Offenses Act is amended by changing Section 3 as
5 follows:

6 (725 ILCS 190/3) (from Ch. 38, par. 1453)

7 Sec. 3. Confidentiality of law enforcement and court
8 records. Notwithstanding any other law to the contrary,
9 inspection and copying of law enforcement records maintained
10 by any law enforcement agency or all circuit court records
11 maintained by any circuit clerk relating to any investigation
12 or proceeding pertaining to a criminal sexual offense, by any
13 person, except a judge, state's attorney, assistant state's
14 attorney, Attorney General, Assistant Attorney General,
15 psychologist, psychiatrist, social worker, doctor,
16 nonoffending parent or guardian, parole agent, aftercare
17 specialist, probation officer, multidisciplinary team member
18 (MDT) (as defined in the Children's Advocacy Center Act),
19 defendant, defendant's attorney, advocate, or victim's
20 attorney (as defined in Section 3 of the Rights of Crime
21 Victims and Witnesses Act) in any criminal proceeding or
22 investigation related thereto, shall be restricted to exclude
23 the identity of any child who is a victim of such criminal
24 sexual offense or alleged criminal sexual offense unless a

1 court order is issued authorizing the removal of such
2 restriction as provided under this Section of a particular
3 case record or particular records of cases maintained by any
4 circuit court clerk. A court may, for the child's protection
5 and for good cause shown, prohibit any person or agency
6 present in court from further disclosing the child's identity.

7 A court may prohibit such disclosure only after giving
8 notice and a hearing to all affected parties. In determining
9 whether to prohibit disclosure of the minor's identity, the
10 court shall consider:

11 (1) the best interest of the child; and

12 (2) whether such nondisclosure would further a
13 compelling State interest.

14 When a criminal sexual offense is committed or alleged to
15 have been committed by a school district employee or any
16 individual contractually employed by a school district, a copy
17 of the criminal history record information relating to the
18 investigation of the offense or alleged offense shall be
19 transmitted to the superintendent of schools of the district
20 immediately upon request or if the law enforcement agency
21 knows that a school district employee or any individual
22 contractually employed by a school district has committed or
23 is alleged to have committed a criminal sexual offense, the
24 superintendent of schools of the district shall be immediately
25 provided a copy of the criminal history record information.
26 The copy of the criminal history record information to be

1 provided under this Section shall exclude the identity of the
2 child victim. The superintendent shall be restricted from
3 revealing the identity of the victim. Nothing in this Article
4 precludes or may be used to preclude a mandated reporter from
5 reporting child abuse or child neglect as required under the
6 Abused and Neglected Child Reporting Act.

7 For the purposes of this Act, "criminal history record
8 information" means:

9 (i) chronologically maintained arrest information,
10 such as traditional arrest logs or blotters;

11 (ii) the name of a person in the custody of a law
12 enforcement agency and the charges for which that person
13 is being held;

14 (iii) court records that are public, as defined in
15 paragraph (1) of subsection (b) of Section 5 of the Court
16 Record and Document Accessibility Act;

17 (iv) records that are otherwise available under State
18 or local law; or

19 (v) records in which the requesting party is the
20 individual identified, except as provided under part (vii)
21 of paragraph (c) of subsection (1) of Section 7 of the
22 Freedom of Information Act.

23 (Source: P.A. 102-651, eff. 1-1-22; 102-813, eff. 5-13-22;
24 103-166, eff. 1-1-24.)

1 INDEX

2 Statutes amended in order of appearance

3 720 ILCS 5/12C-5 was 720 ILCS 5/12-21.6

4 720 ILCS 5/12C-15 was 720 ILCS 5/12-22

5 725 ILCS 5/115-10 from Ch. 38, par. 115-10

6 725 ILCS 115/3.5

7 725 ILCS 190/3 from Ch. 38, par. 1453