

# HB5088



## 104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB5088

Introduced 2/10/2026, by Rep. Rita Mayfield

### SYNOPSIS AS INTRODUCED:

720 ILCS 5/11-9.1B

Amends the Criminal Code of 2012. Provides that a person over the age of 18 commits failure to report sexual abuse of a child when he or she is aware of, has a reasonable belief, or personally observes (rather than just personally observes) sexual abuse, between a person who he or she knows is over the age of 18 and a person he or she knows is a child under the age of 13, and knowingly fails to report the sexual abuse to law enforcement.

LRB104 17983 RLC 31420 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 Section 11-9.1B as follows:

6 (720 ILCS 5/11-9.1B)

7 Sec. 11-9.1B. Failure to report sexual abuse of a child.

8 (a) For the purposes of this Section:

9 "Child" means any person under the age of 13.

10 "Sexual abuse" means any contact, however slight, between  
11 the sex organ or anus of the victim or the accused and an  
12 object or body part, including, but not limited to, the sex  
13 organ, mouth, or anus of the victim or the accused, or any  
14 intrusion, however slight, of any part of the body of the  
15 victim or the accused or of any animal or object into the sex  
16 organ or anus of the victim or the accused, including, but not  
17 limited to, cunnilingus, fellatio, or anal penetration.  
18 Evidence of emission of semen is not required to prove sexual  
19 abuse.

20 (b) A person over the age of 18 commits failure to report  
21 sexual abuse of a child when he or she is aware of, has a  
22 reasonable belief, or personally observes sexual abuse, as  
23 defined by this Section, between a person who he or she knows

1 is over the age of 18 and a person he or she knows is a child,  
2 and knowingly fails to report the sexual abuse to law  
3 enforcement.

4 (c) This Section does not apply to a person who makes  
5 timely and reasonable efforts to stop the sexual abuse by  
6 reporting the sexual abuse in conformance with the Abused and  
7 Neglected Child Reporting Act or by reporting the sexual abuse  
8 or causing a report to be made, to medical or law enforcement  
9 authorities or anyone who is a mandated reporter under Section  
10 4 of the Abused and Neglected Child Reporting Act.

11 (d) A person may not be charged with the offense of failure  
12 to report sexual abuse of a child under this Section until the  
13 person who committed the offense is charged with criminal  
14 sexual assault, aggravated criminal sexual assault, predatory  
15 criminal sexual assault of a child, criminal sexual abuse, or  
16 aggravated criminal sexual abuse.

17 (e) It is an affirmative defense to a charge of failure to  
18 report sexual abuse of a child under this Section that the  
19 person who personally observed the sexual abuse had a  
20 reasonable apprehension that timely action to stop the abuse  
21 would result in the imminent infliction of death, great bodily  
22 harm, permanent disfigurement, or permanent disability to that  
23 person or another in retaliation for reporting.

24 (f) Sentence. A person who commits failure to report  
25 sexual abuse of a child is guilty of a Class A misdemeanor for  
26 the first violation and a Class 4 felony for a second or

1 subsequent violation.

2 (g) Nothing in this Section shall be construed to allow  
3 prosecution of a person who personally observes the act of  
4 sexual abuse and assists with an investigation and any  
5 subsequent prosecution of the offender.

6 (Source: P.A. 98-370, eff. 1-1-14; 98-756, eff. 7-16-14.)