



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

HB5248

Introduced 2/10/2026, by Rep. Harry Benton

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/12C-5

was 720 ILCS 5/12-21.6

Amends the Criminal Code of 2012. Provides that a person commits endangering the life or health of a child when he or she knowingly leaves an immature child under 18 years unattended. Establishes factors the trier of fact may infer relating to the maturity level of the child. Deletes that the child is unattended if not accompanied by a person 14 years of age or older or out of sight of that person. Replaces with the accompanying of the child by a mature person.

LRB104 19705 RLC 33154 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; or (3) leaves an  
13 immature child under 18 years unattended. It is not a  
14 violation of this Section for a person to relinquish a child in  
15 accordance with the Abandoned Newborn Infant Protection Act.

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

19 (b-1) The trier of fact may infer the maturity level of the  
20 child by taking into consideration the following factors:

21 (A) the special needs of the child,  
22 including whether the child is a person with a physical  
23 or mental disability or is otherwise in need of ongoing

1       prescribed medical treatment;

2           (B) the duration of time in which the child was left  
3       unattended;

4           (C) the time of day or night when the child was left  
5       unattended; and

6           (D) the physical and mental capabilities of the person  
7       left to supervise the child.

8       (b-2) The trier of fact may infer that a child is not left  
9       unattended if the child is supervised by a person 18 years of  
10       age or older.

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

15       (d) Sentence. A violation of this Section is a Class A  
16       misdemeanor. A second or subsequent violation of this Section  
17       is a Class 3 felony. A violation of this Section that is a  
18       proximate cause of the death of the child is a Class 3 felony  
19       for which a person, if sentenced to a term of imprisonment,  
20       shall be sentenced to a term of not less than 2 years and not  
21       more than 10 years. A parent, who is found to be in violation  
22       of this Section with respect to his or her child, may be  
23       sentenced to probation for this offense pursuant to Section  
24       12C-15.

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