



Rep. Michelle Mussman

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10400HB5562ham001

LRB104 20184 RLC 35552 a

1 AMENDMENT TO HOUSE BILL 5562

2 AMENDMENT NO. _____. Amend House Bill 5562 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 2012 is amended by adding
5 Section 12-2.7 as follows:

6 (720 ILCS 5/12-2.7 new)

7 Sec. 12-2.7. Child torture.

8 (a) A person commits child torture when that person
9 knowingly and cruelly engages in a course of conduct that
10 torments a child under the age of 18 years.

11 (b) As used in this Section:

12 "Cruelly" means inhumane or sadistic infliction of, or
13 subjection to, extreme physical, mental, or emotional pain
14 likely to create, increase, or prolong the pain, suffering, or
15 agony of a child.

16 "Course of conduct" means at least 2 acts, other than by

1 accidental means, directly, indirectly, or through third
2 parties, which include, but are not limited to:

3 (1) physical abuse or confinement or sexual, mental,
4 or emotional abuse; or

5 (2) withholding of necessary nutrition, nourishment,
6 shelter, or medical care; or

7 (3) the administration or application, or threatened
8 administration or application, of mind-altering
9 substances; or

10 (4) any other act likely to create, increase, or
11 prolong the pain, suffering, or agony of a child.

12 (c) Proof that a child suffered physical, mental, or
13 emotional impairment is not an element of the offense.

14 (d) (1) Defenses. Child torture does not include:

15 (A) reasonable parental discipline; or

16 (B) any medical examination or procedure that is
17 conducted by a physician, nurse, medical or hospital
18 personnel, parent, or caretaker for purposes and in a
19 manner consistent with reasonable medical standards and
20 care.

21 (2) A child under the age of 18 years cannot consent to
22 child torture as defined in this Section.

23 (e) (1) Sentence. Child torture is a Class X felony.

24 (2) An offender under the age of 18 years at the time of
25 the commission of the offense shall be sentenced under Section
26 5-4.5-105 of the Unified Code of Corrections."