



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4151

by Rep. Patrick Windhorst

SYNOPSIS AS INTRODUCED:

720 ILCS 5/12C-16 new

Amends the Criminal Code of 2012. Creates the offense of fentanyl-related child endangerment. Provides that a person commits the offense when the person knowingly or recklessly endangers the life or health of a child under 18 years of age by exposing or allowing exposure of the child to fentanyl, including consumption of fentanyl. Provides that a violation is a Class 2 felony. Creates the offense of aggravated fentanyl-related child endangerment. Provides that a person commits the offense when the person knowingly or recklessly endangers the life or health of a child under 18 years of age by exposing or allowing exposure of the child to fentanyl, including consumption of fentanyl and the child experiences death, great bodily harm, disability, or disfigurement as a result of the fentanyl-related child endangerment. Provides that exposure to fentanyl as prescribed or administered by a health care professional in the course of medical treatment does not constitute endangerment. Provides that a violation is a Class X felony for which the offender shall be sentenced to a term of imprisonment of not less than 6 years and not more than 30 years and fined not to exceed \$100,000. Defines terms.

LRB103 34262 RLC 64088 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 adding
5 Section 12C-16 as follows:

6 (720 ILCS 5/12C-16 new)

7 Sec. 12C-16. Fentanyl-related child endangerment;
8 aggravated fentanyl-related child endangerment.

9 (a) In this Section:

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

11 "Fentanyl" means the substance described in paragraph (8)
12 of subsection (c) of Section 206 of the Illinois Controlled
13 Substances Act.

14 (b)(1) Fentanyl-related child endangerment. A person
15 commits fentanyl-related child endangerment when the person
16 knowingly or recklessly endangers the life or health of a
17 child by exposing or allowing exposure of the child to
18 fentanyl, including consumption of fentanyl. Exposure to
19 fentanyl as prescribed or administered by a health care
20 professional in the course of medical treatment does not
21 constitute endangerment.

22 (2) Sentence. A person who violates paragraph (1) of this
23 subsection (b) is guilty of a Class 2 felony.

1 (c) (1) Aggravated fentanyl-related child endangerment. A
2 person commits aggravated fentanyl-related child endangerment
3 when the person violates paragraph (1) of subsection (b) and
4 the child experiences death, great bodily harm, disability, or
5 disfigurement as a result of the fentanyl-related child
6 endangerment.

7 (2) Sentence. A person who violates paragraph (1) of this
8 subsection (c) is guilty of a Class X felony and shall be
9 sentenced to a term of imprisonment of not less than 6 years
10 and not more than 30 years and fined not to exceed \$100,000.