

1 AN ACT in relation to children.

2 Be it enacted by the People of the State of Illinois,  
3 represented in the General Assembly:

4 Section 5. The Abused and Neglected Child Reporting Act  
5 is amended by changing Section 4 as follows:

6 (325 ILCS 5/4) (from Ch. 23, par. 2054)

7 Sec. 4. Persons required to report; privileged  
8 communications; transmitting false report. Any physician,  
9 resident, intern, hospital, hospital administrator and  
10 personnel engaged in examination, care and treatment of  
11 persons, surgeon, dentist, dentist hygienist, osteopath,  
12 chiropractor, podiatrist, physician assistant, substance  
13 abuse treatment personnel, Christian Science practitioner,  
14 funeral home director or employee, coroner, medical examiner,  
15 emergency medical technician, acupuncturist, crisis line or  
16 hotline personnel, school personnel, educational advocate  
17 assigned to a child pursuant to the School Code, truant  
18 officers, social worker, social services administrator,  
19 domestic violence program personnel, registered nurse,  
20 licensed practical nurse, respiratory care practitioner,  
21 advanced practice nurse, home health aide, director or staff  
22 assistant of a nursery school or a child day care center,  
23 recreational program or facility personnel, law enforcement  
24 officer, registered psychologist and assistants working  
25 under the direct supervision of a psychologist, psychiatrist,  
26 or field personnel of the Illinois Department of Public Aid,  
27 Public Health, Human Services (acting as successor to the  
28 Department of Mental Health and Developmental Disabilities,  
29 Rehabilitation Services, or Public Aid), Corrections, Human  
30 Rights, or Children and Family Services, supervisor and  
31 administrator of general assistance under the Illinois Public

1 Aid Code, probation officer, or any other foster parent,  
2 homemaker or child care worker having reasonable cause to  
3 believe a child known to them in their professional or  
4 official capacity may be an abused child or a neglected child  
5 shall immediately report or cause a report to be made to the  
6 Department.

7 Any member of the clergy having reasonable cause to  
8 believe that a child known to that member of the clergy in  
9 his or her professional capacity may be an abused child as  
10 defined in item (c) of the definition of "abused child" in  
11 Section 3 of this Act shall immediately report or cause a  
12 report to be made to the Department.

13 Whenever such person is required to report under this Act  
14 in his capacity as a member of the staff of a medical or  
15 other public or private institution, school, facility or  
16 agency, or as a member of the clergy, he shall make report  
17 immediately to the Department in accordance with the  
18 provisions of this Act and may also notify the person in  
19 charge of such institution, school, facility or agency, or  
20 church, synagogue, temple, mosque, or other religious  
21 institution, or his designated agent that such report has  
22 been made. Under no circumstances shall any person in charge  
23 of such institution, school, facility or agency, or church,  
24 synagogue, temple, mosque, or other religious institution, or  
25 his designated agent to whom such notification has been made,  
26 exercise any control, restraint, modification or other change  
27 in the report or the forwarding of such report to the  
28 Department.

29 The privileged quality of communication between any  
30 professional person required to report and his patient or  
31 client shall not apply to situations involving abused or  
32 neglected children and shall not constitute grounds for  
33 failure to report as required by this Act.

34 A member of the clergy may claim the privilege under

1 Section 8-803 of the Code of Civil Procedure.

2 In addition to the above persons required to report  
3 suspected cases of abused or neglected children, any other  
4 person may make a report if such person has reasonable cause  
5 to believe a child may be an abused child or a neglected  
6 child.

7 Any person who enters into employment on and after July  
8 1, 1986 and is mandated by virtue of that employment to  
9 report under this Act, shall sign a statement on a form  
10 prescribed by the Department, to the effect that the employee  
11 has knowledge and understanding of the reporting requirements  
12 of this Act. The statement shall be signed prior to  
13 commencement of the employment. The signed statement shall  
14 be retained by the employer. The cost of printing,  
15 distribution, and filing of the statement shall be borne by  
16 the employer.

17 The Department shall provide copies of this Act, upon  
18 request, to all employers employing persons who shall be  
19 required under the provisions of this Section to report under  
20 this Act.

21 Any person who knowingly transmits a false report to the  
22 Department commits the offense of disorderly conduct under  
23 subsection (a)(7) of Section 26-1 of the "Criminal Code of  
24 1961". Any person who violates this provision a second or  
25 subsequent time shall be guilty of a Class 3 4 felony.

26 Any person who knowingly and willfully violates any  
27 provision of this Section other than a second or subsequent  
28 violation of transmitting a false report as described in the  
29 preceding paragraph, is guilty of a Class 4 felony A  
30 ~~misdemeanor~~ for a first violation and a Class 3 4 felony for  
31 a second or subsequent violation.

32 A child whose parent, guardian or custodian in good faith  
33 selects and depends upon spiritual means through prayer  
34 alone for the treatment or cure of disease or remedial care

1 may be considered neglected or abused, but not for the sole  
2 reason that his parent, guardian or custodian accepts and  
3 practices such beliefs.

4 A child shall not be considered neglected or abused  
5 solely because the child is not attending school in  
6 accordance with the requirements of Article 26 of the School  
7 Code, as amended.

8 (Source: P.A. 91-259, eff. 1-1-00; 91-516, eff. 8-13-99;  
9 92-16, eff. 6-28-01; 92-801, eff. 8-16-02.)

10 Section 10. The Criminal Code of 1961 is amended by  
11 changing Section 26-1 as follows:

12 (720 ILCS 5/26-1) (from Ch. 38, par. 26-1)

13 Sec. 26-1. Elements of the Offense.

14 (a) A person commits disorderly conduct when he  
15 knowingly:

16 (1) Does any act in such unreasonable manner as to  
17 alarm or disturb another and to provoke a breach of the  
18 peace; or

19 (2) Transmits or causes to be transmitted in any  
20 manner to the fire department of any city, town, village  
21 or fire protection district a false alarm of fire,  
22 knowing at the time of such transmission that there is no  
23 reasonable ground for believing that such fire exists; or

24 (3) Transmits or causes to be transmitted in any  
25 manner to another a false alarm to the effect that a bomb  
26 or other explosive of any nature or a container holding  
27 poison gas, a deadly biological or chemical contaminant,  
28 or radioactive substance is concealed in such place that  
29 its explosion or release would endanger human life,  
30 knowing at the time of such transmission that there is no  
31 reasonable ground for believing that such bomb, explosive  
32 or a container holding poison gas, a deadly biological or

1 chemical contaminant, or radioactive substance is  
2 concealed in such place; or

3 (4) Transmits or causes to be transmitted in any  
4 manner to any peace officer, public officer or public  
5 employee a report to the effect that an offense will be  
6 committed, is being committed, or has been committed,  
7 knowing at the time of such transmission that there is no  
8 reasonable ground for believing that such an offense will  
9 be committed, is being committed, or has been committed;  
10 or

11 (5) Enters upon the property of another and for a  
12 lewd or unlawful purpose deliberately looks into a  
13 dwelling on the property through any window or other  
14 opening in it; or

15 (6) While acting as a collection agency as defined  
16 in the "Collection Agency Act" or as an employee of such  
17 collection agency, and while attempting to collect an  
18 alleged debt, makes a telephone call to the alleged  
19 debtor which is designed to harass, annoy or intimidate  
20 the alleged debtor; or

21 (7) Transmits or causes to be transmitted a false  
22 report to the Department of Children and Family Services  
23 under Section 4 of the "Abused and Neglected Child  
24 Reporting Act"; or

25 (8) Transmits or causes to be transmitted a false  
26 report to the Department of Public Health under the  
27 Nursing Home Care Act; or

28 (9) Transmits or causes to be transmitted in any  
29 manner to the police department or fire department of any  
30 municipality or fire protection district, or any  
31 privately owned and operated ambulance service, a false  
32 request for an ambulance, emergency medical  
33 technician-ambulance or emergency medical  
34 technician-paramedic knowing at the time there is no

1 reasonable ground for believing that such assistance is  
2 required; or

3 (10) Transmits or causes to be transmitted a false  
4 report under Article II of "An Act in relation to victims  
5 of violence and abuse", approved September 16, 1984, as  
6 amended; or

7 (11) Transmits or causes to be transmitted a false  
8 report to any public safety agency without the reasonable  
9 grounds necessary to believe that transmitting such a  
10 report is necessary for the safety and welfare of the  
11 public; or

12 (12) Calls the number "911" for the purpose of  
13 making or transmitting a false alarm or complaint and  
14 reporting information when, at the time the call or  
15 transmission is made, the person knows there is no  
16 reasonable ground for making the call or transmission and  
17 further knows that the call or transmission could result  
18 in the emergency response of any public safety agency.

19 (b) Sentence. A violation of subsection (a)(1) of this  
20 Section is a Class C misdemeanor. A violation of subsection  
21 (a)(5), ~~(a)(7)~~, (a)(11), or (a)(12) of this Section is a  
22 Class A misdemeanor. A violation of subsection (a)(8) or  
23 (a)(10) of this Section is a Class B misdemeanor. A  
24 violation of subsection (a)(2), (a)(4), (a)(7), or (a)(9) of  
25 this Section is a Class 4 felony. A violation of subsection  
26 (a)(3) of this Section is a Class 3 felony, for which a fine  
27 of not less than \$3,000 and no more than \$10,000 shall be  
28 assessed in addition to any other penalty imposed.

29 A violation of subsection (a)(6) of this Section is a  
30 Business Offense and shall be punished by a fine not to  
31 exceed \$3,000. A second or subsequent violation of  
32 subsection (a)(7), (a)(11), or (a)(12) of this Section is a  
33 Class 4 felony. A third or subsequent violation of  
34 subsection (a)(5) of this Section is a Class 4 felony.

1           (c) In addition to any other sentence that may be  
2 imposed, a court shall order any person convicted of  
3 disorderly conduct to perform community service for not less  
4 than 30 and not more than 120 hours, if community service is  
5 available in the jurisdiction and is funded and approved by  
6 the county board of the county where the offense was  
7 committed. In addition, whenever any person is placed on  
8 supervision for an alleged offense under this Section, the  
9 supervision shall be conditioned upon the performance of the  
10 community service.

11           This subsection does not apply when the court imposes a  
12 sentence of incarceration.

13           (Source: P.A. 91-115, eff. 1-1-00; 91-121, eff. 7-15-99;  
14 92-16, eff. 6-28-01; 92-502, eff. 12-19-01.)

15           Section 99. Effective date. This Act takes effect upon  
16 becoming law.