

1 AN ACT in relation to minors.

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

4 Section 5. The Juvenile Court Act of 1987 is amended by
5 changing Section 2-3 as follows:

6 (705 ILCS 405/2-3) (from Ch. 37, par. 802-3)

7 Sec. 2-3. Neglected or abused minor.

8 (1) Those who are neglected include:

9 (a) any minor under 18 years of age who is not
10 receiving the proper or necessary support, education as
11 required by law, or medical or other remedial care
12 recognized under State law as necessary for a minor's
13 well-being, or other care necessary for his or her
14 well-being, including adequate food, clothing and
15 shelter, or who is abandoned by his or her parents or
16 other person responsible for the minor's welfare, except
17 that a minor shall not be considered neglected for the
18 sole reason that the minor's parent or other person
19 responsible for the minor's welfare has left the minor in
20 the care of an adult relative for any period of time; or

21 (b) any minor under 18 years of age whose
22 environment is injurious to his or her welfare; or

23 (c) any newborn infant whose blood, urine, or
24 meconium contains any amount of a controlled substance as
25 defined in subsection (f) of Section 102 of the Illinois
26 Controlled Substances Act, as now or hereafter amended,
27 or a metabolite of a controlled substance, with the
28 exception of controlled substances or metabolites of such
29 substances, the presence of which in the newborn infant
30 is the result of medical treatment administered to the
31 mother or the newborn infant; or

1 (d) any minor under the age of 14 years whose
2 parent or other person responsible for the minor's
3 welfare leaves the minor without supervision for an
4 unreasonable period of time without regard for the mental
5 or physical health, safety, or welfare of that minor.

6 Whether the minor was left without regard for the mental
7 or physical health, safety, or welfare of that minor or the
8 period of time was unreasonable shall be determined by
9 considering the following factors, including but not limited
10 to:

11 (1) the age of the minor;

12 (2) the number of minors left at the location;

13 (3) special needs of the minor, including whether
14 the minor is physically or mentally handicapped, or
15 otherwise in need of ongoing prescribed medical treatment
16 such as periodic doses of insulin or other medications;

17 (4) the duration of time in which the minor was
18 left without supervision;

19 (5) the condition and location of the place where
20 the minor was left without supervision;

21 (6) the time of day or night when the minor was
22 left without supervision;

23 (7) the weather conditions, including whether the
24 minor was left in a location with adequate protection
25 from the natural elements such as adequate heat or light;

26 (8) the location of the parent or guardian at the
27 time the minor was left without supervision, the physical
28 distance the minor was from the parent or guardian at the
29 time the minor was without supervision;

30 (9) whether the minor's movement was restricted, or
31 the minor was otherwise locked within a room or other
32 structure;

33 (10) whether the minor was given a phone number of
34 a person or location to call in the event of an emergency

1 and whether the minor was capable of making an emergency
2 call;

3 (11) whether there was food and other provision
4 left for the minor;

5 (12) whether any of the conduct is attributable to
6 economic hardship or illness and the parent, guardian or
7 other person having physical custody or control of the
8 child made a good faith effort to provide for the health
9 and safety of the minor;

10 (13) the age and physical and mental capabilities
11 of the person or persons who provided supervision for the
12 minor;

13 (14) whether the minor was left under the
14 supervision of another person;

15 (15) any other factor that would endanger the
16 health and safety of that particular minor.

17 A minor shall not be considered neglected for the sole
18 reason that the minor has been relinquished in accordance
19 with the Abandoned Newborn Infant Protection Act.

20 (2) Those who are abused include any minor under 18
21 years of age whose parent or immediate family member, or any
22 person responsible for the minor's welfare, or any person who
23 is in the same family or household as the minor, or any
24 individual residing in the same home as the minor, or a
25 paramour of the minor's parent:

26 (i) inflicts, causes to be inflicted, or allows to
27 be inflicted upon such minor physical injury, by other
28 than accidental means, which causes death, disfigurement,
29 impairment of physical or emotional health, or loss or
30 impairment of any bodily function;

31 (ii) creates a substantial risk of physical injury
32 to such minor by other than accidental means which would
33 be likely to cause death, disfigurement, impairment of
34 emotional health, or loss or impairment of any bodily

1 function;

2 (iii) commits or allows to be committed any sex
3 offense against such minor, as such sex offenses are
4 defined in the Criminal Code of 1961, as amended, and
5 extending those definitions of sex offenses to include
6 minors under 18 years of age;

7 (iv) commits or allows to be committed an act or
8 acts of torture upon such minor; or

9 (v) inflicts excessive corporal punishment.

10 A minor shall not be considered abused for the sole
11 reason that the minor has been relinquished in accordance
12 with the Abandoned Newborn Infant Protection Act.

13 (3) This Section does not apply to a minor who would be
14 included herein solely for the purpose of qualifying for
15 financial assistance for himself, his parents, guardian or
16 custodian.

17 (4) If an emergency responder discovers a child under 18
18 years of age upon any premises in which methamphetamine is
19 being unlawfully manufactured by the parent or legal guardian
20 of that child, it shall be prima facie evidence that the
21 child is an abused minor. In this subsection (4), "emergency
22 responder" means a police officer, firefighter, sheriff,
23 deputy sheriff, emergency medical technician, hazardous
24 materials response team, or civil defense team.

25 (Source: P.A. 92-408, eff. 8-17-01; 92-432, eff. 8-17-01.)

26 Section 10. The Criminal Code of 1961 is amended by
27 changing Section 12-21.6 as follows:

28 (720 ILCS 5/12-21.6)

29 Sec. 12-21.6. Endangering the life or health of a child.

30 (a) It is unlawful for any person to willfully cause or
31 permit the life or health of a child under the age of 18 to
32 be endangered or to willfully cause or permit a child to be

1 placed in circumstances that endanger the child's life or
2 health, except that it is not unlawful for a person to
3 relinquish a child in accordance with the Abandoned Newborn
4 Infant Protection Act.

5 (b) There is a rebuttable presumption that a person
6 committed the offense if he or she left a child 6 years of
7 age or younger unattended in a motor vehicle for more than 10
8 minutes.

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

12 (d) A violation of this Section is a Class A
13 misdemeanor. A second or subsequent violation of this
14 Section is a Class 3 felony. A violation of this Section
15 that is a proximate cause of the death of the child is a
16 Class 3 felony for which a person, if sentenced to a term of
17 imprisonment, shall be sentenced to a term of not less than 2
18 years and not more than 10 years.

19 (e) If an emergency responder discovers a child under 18
20 years of age upon any premises in which methamphetamine is
21 being unlawfully manufactured by a parent or legal guardian
22 of that child, it shall be prima facie evidence that the
23 parent or legal guardian of the child placed the child in
24 circumstances that endangered the child's life or health. In
25 this subsection (e), "emergency responder" means a police
26 officer, firefighter, sheriff, deputy sheriff, emergency
27 medical technician, hazardous materials response team, or
28 civil defense team.

29 (Source: P.A. 92-408, eff. 8-17-01; 92-432, eff. 8-17-01;
30 92-515, eff. 6-1-02; 92-651, eff. 7-11-02.)

31 Section 99. Effective date. This Act takes effect upon
32 becoming law.