

1 AN ACT concerning children.

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

4 Section 1. Short title. This Act may be cited as the Shaken
5 Baby Prevention Act.

6 Section 5. Definitions. In this Act:

7 "Department" means the Department of Public Health.

8 "Director" means the Director of Public Health.

9 "Parent" means a biological mother or father,
10 foster-mother or father, adoptive mother or father, or
11 step-mother or step-father.

12 "Primary caregiver" means any person who is not a parent,
13 but who provides temporary care to an infant or child,
14 including but not limited to, a babysitter, child care
15 provider, extended family member, nanny, or custodian.

16 "Shaken baby" means the vigorous shaking of an infant or a
17 young child that may result in bleeding inside the head and
18 cause one or more of the following conditions: irreversible
19 brain damage; blindness, retinal hemorrhage, or eye damage;
20 cerebral palsy; hearing loss; spinal cord injury, including
21 paralysis; seizures; learning disability; central nervous
22 system injury; closed head injury; rib fracture; subdural
23 hematoma; or death.

24 Section 10. Shaken Baby Prevention Program. Subject to
25 appropriation, the Director shall establish a statewide Shaken
26 Baby Prevention Program to educate parents and primary
27 caregivers about the dangers of shaken baby and to provide
28 alternative techniques to venting anger and frustration. The
29 program shall allow for voluntary participation and use
30 multimedia educational vehicles, such as a video recording, to
31 target the parents and primary caregivers of babies from birth

1 through 3 years of age. Parents of newborns may choose to sign
2 a participation form and fill out an evaluation form to record
3 their participation in the program after viewing the multimedia
4 educational materials. The Director, or the Director's
5 designee, shall develop companion written materials, a program
6 participation form, and an evaluation form. The Director shall
7 designate and enter into contracts with experts, health care
8 providers, and other State agencies to design and implement the
9 program in all hospitals and child care facilities.

10 Section 15. Local health departments. Local health
11 departments shall assist the Director in implementing and
12 administering the Shaken Baby Prevention Program in local
13 hospitals and child care facilities. Local health departments'
14 specific duties may include, but are not limited to,
15 distributing the multimedia program materials and assisting in
16 the collection of the data on program participation and the
17 program evaluation forms for the Department's annual report
18 required under Section 25.

19 Section 20. Responsibilities of hospitals, health care
20 providers, and child care providers.

21 (a) Every hospital, maternal or pediatric health care
22 provider, and child care provider shall encourage parents and
23 primary caregivers to participate in the voluntary Shaken Baby
24 Prevention Program by:

25 (1) informing parents of all newborn children about the
26 program;

27 (2) making available to parents the shaken baby
28 awareness and prevention multimedia materials provided by
29 the Department;

30 (3) making program participation forms developed by
31 the Department available for signing by parents after
32 viewing the multimedia materials; and

33 (4) keeping all program participation forms and
34 evaluation forms on file.

1 (b) Hospitals and, as applicable, health care providers and
2 child care providers shall report to the Department by no later
3 than the first of November of each year: (i) the total number
4 of births that occurred at the hospital that year; (ii) the
5 total number of viewings of the shaken baby multimedia
6 educational materials; and (iii) the total number of Shaken
7 Baby Prevention Program participation forms signed at the
8 hospital or other facility. All evaluation forms filled out
9 during the year shall be forwarded to the Department with that
10 data.

11 Section 25. Annual report. The Department shall make an
12 annual report to the General Assembly of its findings and
13 recommendations concerning the effectiveness, impact, and
14 benefits derived from the Shaken Baby Prevention Program. The
15 report shall contain evaluations of the program and
16 recommendations for legislation deemed necessary and proper.
17 The Department shall submit the report on or before the first
18 day of January, beginning in 2007.

19 Section 90. The Criminal Code of 1961 is amended by adding
20 Section 12-36 as follows:

21 (720 ILCS 5/12-36 new)

22 Sec. 12-36. Reckless assault of a child.

23 (a) A person is guilty of reckless assault of a child when,
24 being 18 years of age or older, he or she recklessly shakes a
25 child less than 12 years of age in a vigorous manner that
26 causes subdural hemorrhaging, intercranial hemorrhaging, or
27 retinal hemorrhaging in the child.

28 (b) Sentence. Reckless assault of a child is a Class 2
29 felony.

30 Section 99. Effective date. This Act takes effect January
31 1, 2006.