



Sen. William R. Haine

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LRB094 06274 DRJ 44627 a

1 AMENDMENT TO SENATE BILL 506

2 AMENDMENT NO. _____. Amend Senate Bill 506 by replacing
3 the title with the following:

4 "AN ACT concerning children."; and

5 by replacing everything after the enacting clause with the
6 following:

7 "Section 1. Short title. This Act may be cited as the
8 Shaken Baby Prevention Act.

9 Section 5. Definitions. In this Act:

10 "Department" means the Department of Public Health.

11 "Director" means the Director of Public Health.

12 "Parent" means a biological mother or father,
13 foster-mother or father, adoptive mother or father, or
14 step-mother or step-father.

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

19 "Shaken baby" means the vigorous shaking of an infant or a
20 young child that may result in bleeding inside the head and
21 cause one or more of the following conditions: irreversible
22 brain damage; blindness, retinal hemorrhage, or eye damage;

1 cerebral palsy; hearing loss; spinal cord injury, including
2 paralysis; seizures; learning disability; central nervous
3 system injury; closed head injury; rib fracture; subdural
4 hematoma; or death.

5 Section 10. Shaken Baby Prevention Program. Subject to
6 appropriation, the Director shall establish a statewide Shaken
7 Baby Prevention Program to educate parents and primary
8 caregivers about the dangers of shaken baby and to provide
9 alternative techniques to venting anger and frustration. The
10 program shall allow for voluntary participation and use
11 multimedia educational vehicles, such as a video recording, to
12 target the parents and primary caregivers of babies from birth
13 through 3 years of age. Parents of newborns may choose to sign
14 a participation form and fill out an evaluation form to record
15 their participation in the program after viewing the multimedia
16 educational materials. The Director, or the Director's
17 designee, shall develop companion written materials, a program
18 participation form, and an evaluation form. The Director shall
19 designate and enter into contracts with experts, health care
20 providers, and other State agencies to design and implement the
21 program in all hospitals and child care facilities.

22 Section 15. Local health departments. Local health
23 departments shall assist the Director in implementing and
24 administering the Shaken Baby Prevention Program in local
25 hospitals and child care facilities. Local health departments'
26 specific duties may include, but are not limited to,
27 distributing the multimedia program materials and assisting in
28 the collection of the data on program participation and the
29 program evaluation forms for the Department's annual report
30 required under Section 25.

31 Section 20. Responsibilities of hospitals, health care

1 providers, and child care providers.

2 (a) Every hospital, maternal or pediatric health care
3 provider, and child care provider shall encourage parents and
4 primary caregivers to participate in the voluntary Shaken Baby
5 Prevention Program by:

6 (1) informing parents of all newborn children about the
7 program;

8 (2) making available to parents the shaken baby
9 awareness and prevention multimedia materials provided by
10 the Department;

11 (3) making program participation forms developed by
12 the Department available for signing by parents after
13 viewing the multimedia materials; and

14 (4) keeping all program participation forms and
15 evaluation forms on file.

16 (b) Hospitals and, as applicable, health care providers and
17 child care providers shall report to the Department by no later
18 than the first of November of each year: (i) the total number
19 of births that occurred at the hospital that year; (ii) the
20 total number of viewings of the shaken baby multimedia
21 educational materials; and (iii) the total number of Shaken
22 Baby Prevention Program participation forms signed at the
23 hospital or other facility. All evaluation forms filled out
24 during the year shall be forwarded to the Department with that
25 data.

26 Section 25. Annual report. The Department shall make an
27 annual report to the General Assembly of its findings and
28 recommendations concerning the effectiveness, impact, and
29 benefits derived from the Shaken Baby Prevention Program. The
30 report shall contain evaluations of the program and
31 recommendations for legislation deemed necessary and proper.
32 The Department shall submit the report on or before the first
33 day of January, beginning in 2007.

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

3 (720 ILCS 5/12-36 new)

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

5 (a) A person is guilty of reckless assault of a child when,
6 being 18 years of age or older, he or she recklessly shakes a
7 child less than 12 years of age in a vigorous manner that
8 causes subdural hemorrhaging, intercranial hemorrhaging, or
9 retinal hemorrhaging in the child.

10 (b) Sentence. Reckless assault of a child is a Class 2
11 felony.

12 Section 99. Effective date. This Act takes effect January
13 1, 2006."