



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB3800

Introduced 10/5/2011, by Rep. Jim Sacia - Chris Nybo - Dwight Kay - Kay Hatcher - David Reis, et al.

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/12-21.5  
720 ILCS 5/12-21.5-1 new

Amends the Criminal Code of 1961. Provides that, in addition to other elements of the offense, a person commits the offense of child abandonment when he or she, as a parent, guardian, or other person having physical custody or control of a child under 13 years of age, willfully or by culpable negligence fails to make contact with or otherwise verify the whereabouts and safety of that child for a period of 24 hours and to immediately report the child as missing to a law enforcement agency after this 24-hour period expires without contact. Creates the offense of failure to report the death of a child. Provides that a person commits the offense when he or she, as a parent, guardian, or other person having physical custody or control of a child under 18 years of age reasonably believes that the child has died and fails within one hour of forming that reasonable belief, or as soon thereafter as reasonably practicable if compliance within one hour is impracticable, to: (1) notify a law enforcement agency of the child's apparent death and the location of the child; or (2) seek medical attention on the child's behalf. Provides that failure to report the death of a child is a Class 4 felony.

LRB097 12518 RLC 57002 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

A BILL FOR

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 1961 is amended by changing  
5 Section 12-21.5 and by adding Section 12-21.5-1 as follows:

6 (720 ILCS 5/12-21.5)

7 Sec. 12-21.5. Child Abandonment.

8 (a) A person commits the offense of child abandonment when  
9 he or she, as a parent, guardian, or other person having  
10 physical custody or control of a child, without regard for the  
11 mental or physical health, safety, or welfare of that child,  
12 knowingly leaves that child who is under the age of 13 without  
13 supervision by a responsible person over the age of 14 for a  
14 period of 24 hours or more, except that a person does not  
15 commit the offense of child abandonment when he or she  
16 relinquishes a child in accordance with the Abandoned Newborn  
17 Infant Protection Act.

18 (a-5) A person commits the offense of child abandonment  
19 when he or she, as a parent, guardian, or other person having  
20 physical custody or control of a child under 13 years of age,  
21 willfully or by culpable negligence fails to make contact with  
22 or otherwise verify the whereabouts and safety of that child  
23 for a period of 24 hours and to immediately report the child as

1 missing to a law enforcement agency after this 24-hour period  
2 expires without contact.

3 (b) For the purposes of determining whether the child was  
4 left without regard for the mental or physical health, safety,  
5 or welfare of that child, the trier of fact shall consider the  
6 following factors:

7 (1) the age of the child;

8 (2) the number of children left at the location;

9 (3) special needs of the child, including whether the  
10 child is physically or mentally handicapped, or otherwise  
11 in need of ongoing prescribed medical treatment such as  
12 periodic doses of insulin or other medications;

13 (4) the duration of time in which the child was left  
14 without supervision;

15 (5) the condition and location of the place where the  
16 child was left without supervision;

17 (6) the time of day or night when the child was left  
18 without supervision;

19 (7) the weather conditions, including whether the  
20 child was left in a location with adequate protection from  
21 the natural elements such as adequate heat or light;

22 (8) the location of the parent, guardian, or other  
23 person having physical custody or control of the child at  
24 the time the child was left without supervision, the  
25 physical distance the child was from the parent, guardian,  
26 or other person having physical custody or control of the

1 child at the time the child was without supervision;

2 (9) whether the child's movement was restricted, or the  
3 child was otherwise locked within a room or other  
4 structure;

5 (10) whether the child was given a phone number of a  
6 person or location to call in the event of an emergency and  
7 whether the child was capable of making an emergency call;

8 (11) whether there was food and other provision left  
9 for the child;

10 (12) whether any of the conduct is attributable to  
11 economic hardship or illness and the parent, guardian or  
12 other person having physical custody or control of the  
13 child made a good faith effort to provide for the health  
14 and safety of the child;

15 (13) the age and physical and mental capabilities of  
16 the person or persons who provided supervision for the  
17 child;

18 (14) any other factor that would endanger the health or  
19 safety of that particular child;

20 (15) whether the child was left under the supervision  
21 of another person.

22 (d) Child abandonment is a Class 4 felony. A second or  
23 subsequent offense after a prior conviction is a Class 3  
24 felony.

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

1 (720 ILCS 5/12-21.5-1 new)

2 Sec. 12-21.5-1. Failure to report the death of a child.

3 (a) A person commits the offense of failure to report the  
4 death of a child when he or she, as a parent, guardian, or  
5 other person having physical custody or control of a child  
6 under 18 years of age, reasonably believes that the child has  
7 died and fails within one hour of forming that reasonable  
8 belief, or as soon thereafter as reasonably practicable if  
9 compliance within one hour is impracticable, to:

10 (1) notify a law enforcement agency of the child's  
11 apparent death and the location of the child; or

12 (2) seek medical attention on the child's behalf.

13 (b) Sentence. Failure to report the death of a child is a  
14 Class 4 felony.