



Rep. Jack D. Franks

Filed: 5/4/2012

09700SB2537ham003

LRB097 14538 RLC 69229 a

1 AMENDMENT TO SENATE BILL 2537

2 AMENDMENT NO. _____. Amend Senate Bill 2537, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Criminal Code of 1961 is amended by
6 changing Section 31-4 and adding Section 10-10 as follows:

7 (720 ILCS 5/10-10 new)

8 Sec. 10-10. Failure to report the death or disappearance of
9 a child under 13 years of age.

10 (a) A parent, legal guardian, or caretaker of a child under
11 13 years of age commits failure to report the death or
12 disappearance of a child under 13 years of age when he or she
13 knows or should know and fails to report the child as missing
14 or deceased to a law enforcement agency within 24 hours if the
15 parent, legal guardian, or caretaker reasonably believes that
16 the child is missing or deceased. In the case of a child under

1 the age of 2 years, the reporting requirement is reduced to no
2 more than one hour.

3 (b) A parent, legal guardian, or caretaker of a child under
4 13 years of age must report the death of the child to the law
5 enforcement agency of the county where the child's corpse was
6 found if the parent, legal guardian, or caretaker reasonably
7 believes that the death of the child was caused by a homicide,
8 accident, or other suspicious circumstance.

9 (c) The Department of Children and Family Services
10 Guardianship Administrator shall not personally be subject to
11 the reporting requirements in subsection (a) or (b) of this
12 Section.

13 (d) A parent, legal guardian, or caretaker does not commit
14 the offense of failure to report the death or disappearance of
15 a child under 13 years of age when:

16 (1) the failure to report is due to an act of God, act
17 of war, or inability of a law enforcement agency to receive
18 a report of the disappearance of a child;

19 (2) the parent, legal guardian, or caretaker calls 911
20 to report the disappearance of the child;

21 (3) the parent, legal guardian, or caretaker knows that
22 the child is under the care of another parent, family
23 member, relative, friend, or baby sitter; or

24 (4) the parent, legal guardian, or caretaker is
25 hospitalized, in a coma, or is otherwise seriously
26 physically or mentally impaired as to prevent the person

1 from reporting the death or disappearance.

2 (e) Sentence. A violation of this Section is a Class 4
3 felony.

4 (720 ILCS 5/31-4) (from Ch. 38, par. 31-4)
5 Sec. 31-4. Obstructing justice.

6 (a) A person obstructs justice when, with intent to prevent
7 the apprehension or obstruct the prosecution or defense of any
8 person, he or she knowingly commits any of the following acts:

9 (1) ~~(a)~~ Destroys, alters, conceals or disguises
10 physical evidence, plants false evidence, furnishes false
11 information; or

12 (2) ~~(b)~~ Induces a witness having knowledge material to
13 the subject at issue to leave the State or conceal himself
14 or herself; or

15 (3) ~~(c)~~ Possessing knowledge material to the subject at
16 issue, he or she leaves the State or conceals himself; or

17 (4) If a parent, legal guardian, or caretaker of a
18 child under 13 years of age reports materially false
19 information to a law enforcement agency, medical examiner,
20 coroner, State's Attorney, or other governmental agency
21 during an investigation of the disappearance or death of a
22 child under circumstances described in subsection (a) or
23 (b) of Section 10-10 of this Code.

24 (b) ~~(d)~~ Sentence.

25 (1) Obstructing justice is a Class 4 felony, except as

1 provided in paragraph (2) of this subsection (b) ~~(d)~~.

2 (2) Obstructing justice in furtherance of streetgang
3 related or gang-related activity, as defined in Section 10
4 of the Illinois Streetgang Terrorism Omnibus Prevention
5 Act, is a Class 3 felony.

6 (Source: P.A. 90-363, eff. 1-1-98.)".