



Rep. John D. Anthony

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09900HB4874ham001

LRB099 18057 RLC 46942 a

1 AMENDMENT TO HOUSE BILL 4874

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4874 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 2012 is amended by  
5 changing Sections 12C-5 and 12C-10 as follows:

6 (720 ILCS 5/12C-5) (was 720 ILCS 5/12-21.6)

7 Sec. 12C-5. Endangering the life or health of a child.

8 (a) A person commits endangering the life or health of a  
9 child when he or she knowingly: (1) causes or permits the life  
10 or health of a child under the age of 18 to be endangered; or  
11 (2) causes or permits a child to be placed in circumstances  
12 that endanger the child's life or health. It is not a violation  
13 of this Section for a person to relinquish a child in  
14 accordance with the Abandoned Newborn Infant Protection Act.

15 (b) A trier of fact may infer that a child 6 years of age or  
16 younger is unattended if that child is left in a motor vehicle

1 for more than 10 minutes.

2 (c) "Unattended" means either: (i) not accompanied by a  
3 person 12 ~~14~~ years of age or older; or (ii) if accompanied by a  
4 person 12 ~~14~~ years of age or older, out of sight of that  
5 person.

6 (d) Sentence. A violation of this Section is a Class A  
7 misdemeanor. A second or subsequent violation of this Section  
8 is a Class 3 felony. A violation of this Section that is a  
9 proximate cause of the death of the child is a Class 3 felony  
10 for which a person, if sentenced to a term of imprisonment,  
11 shall be sentenced to a term of not less than 2 years and not  
12 more than 10 years. A parent, who is found to be in violation  
13 of this Section with respect to his or her child, may be  
14 sentenced to probation for this offense pursuant to Section  
15 12C-15.

16 (Source: P.A. 97-1109, eff. 1-1-13.)

17 (720 ILCS 5/12C-10) (was 720 ILCS 5/12-21.5)

18 Sec. 12C-10. Child abandonment.

19 (a) A person commits child abandonment when he or she, as a  
20 parent, guardian, or other person having physical custody or  
21 control of a child, without regard for the mental or physical  
22 health, safety, or welfare of that child, knowingly leaves that  
23 child who is under the age of 11 ~~13~~ without supervision by a  
24 responsible person over the age of 12 ~~14~~ for a period of 24  
25 hours or more. It is not a violation of this Section for a

1 person to relinquish a child in accordance with the Abandoned  
2 Newborn Infant Protection Act.

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 a person with a physical or mental disability, or  
11 otherwise in need of ongoing prescribed medical treatment  
12 such as 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 (c) Child abandonment is a Class 4 felony. A second or  
23 subsequent offense after a prior conviction is a Class 3  
24 felony. A parent, who is found to be in violation of this  
25 Section with respect to his or her child, may be sentenced to  
26 probation for this offense pursuant to Section 12C-15.

1 (Source: P.A. 98-756, eff. 7-16-14; 99-143, eff. 7-27-15.)".