

State of Illinois
OFFICE OF THE GOVERNOR
Springfield, Illinois 62706

George H. Ryan
GOVERNOR

August 17, 2001

To the Honorable Members of
The Illinois Senate
92nd General Assembly

Pursuant to the authority vested in the Governor by Article IV, Section 9(e) of the Illinois Constitution of 1970, and re-affirmed by the People of the State of Illinois by popular referendum in 1974, and conforming to the standard articulated by the Illinois Supreme Court in People ex rel. Klinger v. Howlett, 50 Ill.2d 242 (1972), Continental Illinois National Bank and Trust Co. v. Zagel, 78 Ill.2d 387 (1979), People ex rel. City of Canton v. Crouch, 79 Ill.2d 356 (1980), and County of Kane v. Carlson, 116 Ill.2d 186 (1987), that gubernatorial action be consistent with the fundamental purposes and the intent of the bill, I hereby return Senate Bill 28, entitled "AN ACT concerning criminal law," with my specific recommendations for change.

Senate Bill 28 amends the Criminal Code to add to the offense of endangering the life or health of a child by creating the offense of leaving a child unattended in a motor vehicle. A person commits the offense of endangering the life or health of a child if he or she leaves a child six years of age or younger unattended in a motor vehicle. The bill also provides that there is a rebuttable presumption that a person committed the offense if he or she left a child six years of age or younger unattended in a motor vehicle for more than 10 minutes.

At the request of Senate Bill 28's chief sponsor and the Chairman of the Senate Judiciary Committee, I am proposing a technical change to Senate Bill 28. The purpose of the bill was to establish a rebuttable presumption in the existing statute without creating a new offense. The new language in Senate Bill 28, however, does appear to create a new offense of leaving a child under the age of six unattended in a vehicle. The penalties for the offenses outlined in the bill and current law shall remain the same and the changes proposed below should help to clarify the bill and create a more appropriate criminal law.

For these reasons, I return Senate Bill 28 with the following recommendations for change:

on page 1, delete lines 13-16; and
on page 1, line 17, renumber (1) with (b) and line 21 renumber (2) with (c); and
on page 1, line 25, replace (b) with (d).

With these specific recommendations for change, Senate Bill 28 will have my approval. I respectfully request your concurrence.

Sincerely,
George H. Ryan
GOVERNOR