



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB4607

by Rep. John Cavaletto

SYNOPSIS AS INTRODUCED:

720 ILCS 5/10-11 new

Amends the Criminal Code of 2012. Provides that a grandparent may not be criminally or civilly liable for a violation of the Kidnaping and Related Offenses Article of the Code when the grandparent transports a child to another state for medical care or treatment if the grandparent reasonably believes that: (1) the child needs emergency medical care or treatment because of injury or illness; (2) a medical provider is not located within a short distance from the child's residence in this State; and (3) failure to transport the child to another state will risk further illness or injury to the child. Provides that the Department of Children and Family Services may not place a child described in this provision in its custody or foster care on the basis that the child is transported to another state under circumstances described in this provision.

LRB100 18764 RLC 34000 b

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 2012 is amended by adding
5 Section 10-11 as follows:

6 (720 ILCS 5/10-11 new)

7 Sec. 10-11. Transporting persons under 18 years of age to
8 another state for emergency treatment.

9 (a) In this Section:

10 "Child" means a person under 18 years of age.

11 "Grandparent" means the biological grandparent of the
12 child or a step-grandparent of the child.

13 (b) A grandparent may not be criminally or civilly liable
14 for a violation of this Article when the grandparent transports
15 a child to another state for medical care or treatment if the
16 grandparent reasonably believes that:

17 (1) the child needs emergency medical care or treatment
18 because of injury or illness;

19 (2) a medical provider is not located within a short
20 distance from the child's residence in this State; and

21 (3) failure to transport the child to another state
22 will risk further illness or injury to the child.

23 (c) The Department of Children and Family Services may not

1 place a child described in this Section in its custody or
2 foster care on the basis that the child is transported to
3 another state under circumstances described in subsection (b).