



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB5437

by Rep. C.D. Davidsmeyer - Avery Bourne - John M. Cabello

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/12C-5

was 720 ILCS 5/12-21.6

Amends the Criminal Code of 2012. Provides that a woman commits endangering the life or health of a child when she gives birth to a newborn infant who is born with fetal alcohol syndrome or fetal alcohol effects or who is a newborn infant whose blood, urine, or meconium contains any amount of a controlled substance as defined in the Illinois Controlled Substances Act or a metabolite of a controlled substance, with the exception of a controlled substance or metabolite of a controlled substance whose presence in the newborn infant is the result of medical treatment administered to the mother or the newborn infant. Provides that a first offense is a Class A misdemeanor and a second or subsequent offense is a Class 4 felony. Provides that a parent, who is found to be in violation with respect to her child, shall be sentenced to mandatory drug or alcohol treatment as ordered by the court. Defines "controlled substance".

LRB100 19943 RLC 35224 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 2012 is amended by changing  
5 Section 12C-5 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 (a-5) A woman commits endangering the life or health of a  
16 child when she gives birth to a newborn infant who is born with  
17 fetal alcohol syndrome or fetal alcohol effects or who is a  
18 newborn infant whose blood, urine, or meconium contains any  
19 amount of a controlled substance or a metabolite of a  
20 controlled substance, with the exception of a controlled  
21 substance or metabolite of a controlled substance whose  
22 presence in the newborn infant is the result of medical  
23 treatment administered to the mother or the newborn infant. For

1 purposes of this subsection (a-5), "controlled substance" has  
2 the meaning ascribed to it in Section 102 of the Illinois  
3 Controlled Substances Act.

4 (b) A trier of fact may infer that a child 6 years of age or  
5 younger is unattended if that child is left in a motor vehicle  
6 for more than 10 minutes.

7 (c) "Unattended" means either: (i) not accompanied by a  
8 person 14 years of age or older; or (ii) if accompanied by a  
9 person 14 years of age or older, out of sight of that person.

10 (d) Sentence. A violation of subsection (a) or (a-5) of  
11 this Section is a Class A misdemeanor. A second or subsequent  
12 violation of subsection (a-5) of this Section is a Class 4  
13 felony. A second or subsequent violation of subsection (a) of  
14 this Section is a Class 3 felony. A violation of subsection (a)  
15 of this Section that is a proximate cause of the death of the  
16 child is a Class 3 felony for which a person, if sentenced to a  
17 term of imprisonment, shall be sentenced to a term of not less  
18 than 2 years and not more than 10 years. A parent, who is found  
19 to be in violation of subsection (a) of this Section with  
20 respect to his or her child, may be sentenced to probation for  
21 this offense pursuant to Section 12C-15. A parent, who is found  
22 to be in violation of subsection (a-5) of this Section with  
23 respect to her child, shall be sentenced to mandatory drug or  
24 alcohol treatment as ordered by the court.

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