



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB4390

by Rep. Kathleen Willis

SYNOPSIS AS INTRODUCED:

720 ILCS 5/12-5.1b new

Amends the Criminal Code of 2012. Defines "commercial property", "dangerous condition", "first responder", "management or operational control", "person", and "serious bodily injury". Provides that first responder endangerment is committed when a person knowingly creates a dangerous situation and intentionally conceals the dangerous condition in a commercial property under his or her management or control and the dangerous condition is the primary cause of death or serious bodily injury of a first responder during the course of his or her official duties. Provides that first responder endangerment is a Class 4 felony.

LRB100 16630 RLC 31767 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 1. This Act may be referred to as the Daniel
5 Capuano Memorial Act.

6 Section 5. The Criminal Code of 2012 is amended by adding
7 Section 12-5.1b as follows:

8 (720 ILCS 5/12-5.1b new)

9 Sec. 12-5.1b. First responder endangerment.

10 (a) As used in this Section:

11 "Commercial property" means developed real property
12 used exclusively for business purposes, including
13 non-residential spaces in mixed-use property, and does not
14 include residential or multi-family real property.

15 "Dangerous condition" means a patently obvious
16 condition of a life-threatening nature that results from
17 structural or architectural work done without first
18 submitting for a permit, or from a building code violation
19 of which the person received actual notice from the code
20 compliance official and failed to take corrective action
21 within the time period specified by the code compliance
22 official. "Dangerous condition" does not include actions

1 undertaken without a permit to address or remediate a
2 situation or condition that presents a clear and present
3 threat to safety or to the integrity of the building.

4 "First responder" means emergency medical services
5 personnel as defined in Section 3.5 of the Emergency
6 Medical Services (EMS) Systems Act, a law enforcement
7 officer, or firefighter.

8 "Management or operational control" means the lawful
9 ownership of or direct contractual relationship with the
10 lawful owner for the person to manage the commercial
11 property. "Management or operational control" does not
12 include engineering, security, elevator operating, or dock
13 or janitorial services performed by any person who is
14 retained exclusively to provide the services and who does
15 not have overall management or operational control of the
16 building.

17 "Person" means a natural person, and only includes an
18 individual who had personal or professional management or
19 operational control of commercial real estate and who
20 directly exercised final decision-making authority to
21 create and conceal the dangerous condition causing death or
22 serious bodily injury.

23 "Serious bodily injury" means bodily injury that
24 results in a permanent disfigurement or permanent loss or
25 impairment of a bodily function, limb, or organ.

26 (b) A person commits first responder endangerment when he

1 or she (1) knowingly creates a dangerous condition and (2)
2 intentionally conceals the dangerous condition in a commercial
3 property under his or her management or operational control and
4 the dangerous condition is the primary cause of the death or
5 serious bodily injury of a first responder in the course of his
6 or her official duties.

7 (c) Sentence. First responder endangerment is a Class 4
8 felony.