

# HB3264



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

**HB3264**

Introduced 2/19/2021, by Rep. Fred Crespo

#### SYNOPSIS AS INTRODUCED:

325 ILCS 5/3  
720 ILCS 5/11-25

from Ch. 23, par. 2053

Amends the Abused and Neglected Child Reporting Act. Provides that "abused child" means a child whose parent or immediate family member, or any person responsible for the child's welfare, or any individual residing in the same home as the child, or a paramour of the child's parent commits or allows to be committed the offense of grooming against the child. Amends the grooming statute of the Criminal Code of 2012. Provides that grooming includes in person as well as electronic conduct.

LRB102 15231 KMF 20586 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning children.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Abused and Neglected Child Reporting Act is  
5 amended by changing Section 3 as follows:

6 (325 ILCS 5/3) (from Ch. 23, par. 2053)

7 Sec. 3. As used in this Act unless the context otherwise  
8 requires:

9 "Adult resident" means any person between 18 and 22 years  
10 of age who resides in any facility licensed by the Department  
11 under the Child Care Act of 1969. For purposes of this Act, the  
12 criteria set forth in the definitions of "abused child" and  
13 "neglected child" shall be used in determining whether an  
14 adult resident is abused or neglected.

15 "Agency" means a child care facility licensed under  
16 Section 2.05 or Section 2.06 of the Child Care Act of 1969 and  
17 includes a transitional living program that accepts children  
18 and adult residents for placement who are in the guardianship  
19 of the Department.

20 "Blatant disregard" means an incident where the real,  
21 significant, and imminent risk of harm would be so obvious to a  
22 reasonable parent or caretaker that it is unlikely that a  
23 reasonable parent or caretaker would have exposed the child to

1 the danger without exercising precautionary measures to  
2 protect the child from harm. With respect to a person working  
3 at an agency in his or her professional capacity with a child  
4 or adult resident, "blatant disregard" includes a failure by  
5 the person to perform job responsibilities intended to protect  
6 the child's or adult resident's health, physical well-being,  
7 or welfare, and, when viewed in light of the surrounding  
8 circumstances, evidence exists that would cause a reasonable  
9 person to believe that the child was neglected. With respect  
10 to an agency, "blatant disregard" includes a failure to  
11 implement practices that ensure the health, physical  
12 well-being, or welfare of the children and adult residents  
13 residing in the facility.

14 "Child" means any person under the age of 18 years, unless  
15 legally emancipated by reason of marriage or entry into a  
16 branch of the United States armed services.

17 "Department" means Department of Children and Family  
18 Services.

19 "Local law enforcement agency" means the police of a city,  
20 town, village or other incorporated area or the sheriff of an  
21 unincorporated area or any sworn officer of the Illinois  
22 Department of State Police.

23 "Abused child" means a child whose parent or immediate  
24 family member, or any person responsible for the child's  
25 welfare, or any individual residing in the same home as the  
26 child, or a paramour of the child's parent:

1 (a) inflicts, causes to be inflicted, or allows to be  
2 inflicted upon such child physical injury, by other than  
3 accidental means, which causes death, disfigurement,  
4 impairment of physical or emotional health, or loss or  
5 impairment of any bodily function;

6 (b) creates a substantial risk of physical injury to  
7 such child by other than accidental means which would be  
8 likely to cause death, disfigurement, impairment of  
9 physical or emotional health, or loss or impairment of any  
10 bodily function;

11 (c) commits or allows to be committed any sex offense  
12 against such child, as such sex offenses are defined in  
13 the Criminal Code of 2012 or in the Wrongs to Children Act,  
14 and extending those definitions of sex offenses to include  
15 children under 18 years of age;

16 (d) commits or allows to be committed an act or acts of  
17 torture upon such child;

18 (e) inflicts excessive corporal punishment or, in the  
19 case of a person working for an agency who is prohibited  
20 from using corporal punishment, inflicts corporal  
21 punishment upon a child or adult resident with whom the  
22 person is working in his or her professional capacity;

23 (f) commits or allows to be committed the offense of  
24 female genital mutilation, as defined in Section 12-34 of  
25 the Criminal Code of 2012, against the child;

26 (g) causes to be sold, transferred, distributed, or

1 given to such child under 18 years of age, a controlled  
2 substance as defined in Section 102 of the Illinois  
3 Controlled Substances Act in violation of Article IV of  
4 the Illinois Controlled Substances Act or in violation of  
5 the Methamphetamine Control and Community Protection Act,  
6 except for controlled substances that are prescribed in  
7 accordance with Article III of the Illinois Controlled  
8 Substances Act and are dispensed to such child in a manner  
9 that substantially complies with the prescription; ~~or~~

10 (h) commits or allows to be committed the offense of  
11 involuntary servitude, involuntary sexual servitude of a  
12 minor, or trafficking in persons as defined in Section  
13 10-9 of the Criminal Code of 2012 against the child; or ~~or~~

14 (i) commits or allows to be committed the offense of  
15 grooming as defined in Section 11-25 of the Criminal Code  
16 of 2012 against the child.

17 A child shall not be considered abused for the sole reason  
18 that the child has been relinquished in accordance with the  
19 Abandoned Newborn Infant Protection Act.

20 "Neglected child" means any child who is not receiving the  
21 proper or necessary nourishment or medically indicated  
22 treatment including food or care not provided solely on the  
23 basis of the present or anticipated mental or physical  
24 impairment as determined by a physician acting alone or in  
25 consultation with other physicians or otherwise is not  
26 receiving the proper or necessary support or medical or other

1 remedial care recognized under State law as necessary for a  
2 child's well-being, or other care necessary for his or her  
3 well-being, including adequate food, clothing and shelter; or  
4 who is subjected to an environment which is injurious insofar  
5 as (i) the child's environment creates a likelihood of harm to  
6 the child's health, physical well-being, or welfare and (ii)  
7 the likely harm to the child is the result of a blatant  
8 disregard of parent, caretaker, or agency responsibilities; or  
9 who is abandoned by his or her parents or other person  
10 responsible for the child's welfare without a proper plan of  
11 care; or who has been provided with interim crisis  
12 intervention services under Section 3-5 of the Juvenile Court  
13 Act of 1987 and whose parent, guardian, or custodian refuses  
14 to permit the child to return home and no other living  
15 arrangement agreeable to the parent, guardian, or custodian  
16 can be made, and the parent, guardian, or custodian has not  
17 made any other appropriate living arrangement for the child;  
18 or who is a newborn infant whose blood, urine, or meconium  
19 contains any amount of a controlled substance as defined in  
20 subsection (f) of Section 102 of the Illinois Controlled  
21 Substances Act or a metabolite thereof, with the exception of  
22 a controlled substance or metabolite thereof whose presence in  
23 the newborn infant is the result of medical treatment  
24 administered to the mother or the newborn infant. A child  
25 shall not be considered neglected for the sole reason that the  
26 child's parent or other person responsible for his or her

1 welfare has left the child in the care of an adult relative for  
2 any period of time. A child shall not be considered neglected  
3 for the sole reason that the child has been relinquished in  
4 accordance with the Abandoned Newborn Infant Protection Act. A  
5 child shall not be considered neglected or abused for the sole  
6 reason that such child's parent or other person responsible  
7 for his or her welfare depends upon spiritual means through  
8 prayer alone for the treatment or cure of disease or remedial  
9 care as provided under Section 4 of this Act. A child shall not  
10 be considered neglected or abused solely because the child is  
11 not attending school in accordance with the requirements of  
12 Article 26 of The School Code, as amended.

13 "Child Protective Service Unit" means certain specialized  
14 State employees of the Department assigned by the Director to  
15 perform the duties and responsibilities as provided under  
16 Section 7.2 of this Act.

17 "Near fatality" means an act that, as certified by a  
18 physician, places the child in serious or critical condition,  
19 including acts of great bodily harm inflicted upon children  
20 under 13 years of age, and as otherwise defined by Department  
21 rule.

22 "Great bodily harm" includes bodily injury which creates a  
23 high probability of death, or which causes serious permanent  
24 disfigurement, or which causes a permanent or protracted loss  
25 or impairment of the function of any bodily member or organ, or  
26 other serious bodily harm.

1 "Person responsible for the child's welfare" means the  
2 child's parent; guardian; foster parent; relative caregiver;  
3 any person responsible for the child's welfare in a public or  
4 private residential agency or institution; any person  
5 responsible for the child's welfare within a public or private  
6 profit or not for profit child care facility; or any other  
7 person responsible for the child's welfare at the time of the  
8 alleged abuse or neglect, including any person that is the  
9 custodian of a child under 18 years of age who commits or  
10 allows to be committed, against the child, the offense of  
11 involuntary servitude, involuntary sexual servitude of a  
12 minor, or trafficking in persons for forced labor or services,  
13 as provided in Section 10-9 of the Criminal Code of 2012, or  
14 any person who came to know the child through an official  
15 capacity or position of trust, including but not limited to  
16 health care professionals, educational personnel, recreational  
17 supervisors, members of the clergy, and volunteers or support  
18 personnel in any setting where children may be subject to  
19 abuse or neglect.

20 "Temporary protective custody" means custody within a  
21 hospital or other medical facility or a place previously  
22 designated for such custody by the Department, subject to  
23 review by the Court, including a licensed foster home, group  
24 home, or other institution; but such place shall not be a jail  
25 or other place for the detention of criminal or juvenile  
26 offenders.



1 "An unfounded report" means any report made under this Act  
2 for which it is determined after an investigation that no  
3 credible evidence of abuse or neglect exists.

4 "An indicated report" means a report made under this Act  
5 if an investigation determines that credible evidence of the  
6 alleged abuse or neglect exists.

7 "An undetermined report" means any report made under this  
8 Act in which it was not possible to initiate or complete an  
9 investigation on the basis of information provided to the  
10 Department.

11 "Subject of report" means any child reported to the  
12 central register of child abuse and neglect established under  
13 Section 7.7 of this Act as an alleged victim of child abuse or  
14 neglect and the parent or guardian of the alleged victim or  
15 other person responsible for the alleged victim's welfare who  
16 is named in the report or added to the report as an alleged  
17 perpetrator of child abuse or neglect.

18 "Perpetrator" means a person who, as a result of  
19 investigation, has been determined by the Department to have  
20 caused child abuse or neglect.

21 "Member of the clergy" means a clergyman or practitioner  
22 of any religious denomination accredited by the religious body  
23 to which he or she belongs.

24 (Source: P.A. 99-350, eff. 6-1-16; 100-733, eff. 1-1-19.)

25 Section 10. The Criminal Code of 2012 is amended by

1 changing Section 11-25 as follows:

2 (720 ILCS 5/11-25)

3 Sec. 11-25. Grooming.

4 (a) A person commits grooming when he or she knowingly in  
5 person or by use of ~~uses~~ a computer on-line service, Internet  
6 service, local bulletin board service, or any other device  
7 capable of electronic data storage or transmission, seduces,  
8 solicits, lures, or entices, or attempts ~~to seduce, solicit,~~  
9 ~~lure, or entice, or attempt~~ to seduce, solicit, lure, or  
10 entice, a child, a child's guardian, or another person  
11 believed by the person to be a child or a child's guardian, to  
12 commit any sex offense as defined in Section 2 of the Sex  
13 Offender Registration Act, to distribute photographs depicting  
14 the sex organs of the child, or to otherwise engage in any  
15 unlawful sexual conduct with a child or with another person  
16 believed by the person to be a child. As used in this Section,  
17 "child" means a person under 17 years of age.

18 (b) Sentence. Grooming is a Class 4 felony.

19 (Source: P.A. 100-428, eff. 1-1-18.)