



Rep. Fred Crespo

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10200HB3264ham001

LRB102 15231 KMF 24131 a

1 AMENDMENT TO HOUSE BILL 3264

2 AMENDMENT NO. _____. Amend House Bill 3264 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Abused and Neglected Child Reporting Act
5 is 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

1 includes a transitional living program that accepts children
2 and adult residents for placement who are in the guardianship
3 of the Department.

4 "Blatant disregard" means an incident where the real,
5 significant, and imminent risk of harm would be so obvious to a
6 reasonable parent or caretaker that it is unlikely that a
7 reasonable parent or caretaker would have exposed the child to
8 the danger without exercising precautionary measures to
9 protect the child from harm. With respect to a person working
10 at an agency in his or her professional capacity with a child
11 or adult resident, "blatant disregard" includes a failure by
12 the person to perform job responsibilities intended to protect
13 the child's or adult resident's health, physical well-being,
14 or welfare, and, when viewed in light of the surrounding
15 circumstances, evidence exists that would cause a reasonable
16 person to believe that the child was neglected. With respect
17 to an agency, "blatant disregard" includes a failure to
18 implement practices that ensure the health, physical
19 well-being, or welfare of the children and adult residents
20 residing in the facility.

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

24 "Department" means Department of Children and Family
25 Services.

26 "Local law enforcement agency" means the police of a city,

1 town, village or other incorporated area or the sheriff of an
2 unincorporated area or any sworn officer of the Illinois
3 Department of State Police.

4 "Abused child" means a child whose parent or immediate
5 family member, or any person responsible for the child's
6 welfare, or any individual residing in the same home as the
7 child, or a paramour of the child's parent:

8 (a) inflicts, causes to be inflicted, or allows to be
9 inflicted upon such child physical injury, by other than
10 accidental means, which causes death, disfigurement,
11 impairment of physical or emotional health, or loss or
12 impairment of any bodily function;

13 (b) creates a substantial risk of physical injury to
14 such child by other than accidental means which would be
15 likely to cause death, disfigurement, impairment of
16 physical or emotional health, or loss or impairment of any
17 bodily function;

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

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

25 (e) inflicts excessive corporal punishment or, in the
26 case of a person working for an agency who is prohibited

1 from using corporal punishment, inflicts corporal
2 punishment upon a child or adult resident with whom the
3 person is working in his or her professional capacity;

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

7 (g) causes to be sold, transferred, distributed, or
8 given to such child under 18 years of age, a controlled
9 substance as defined in Section 102 of the Illinois
10 Controlled Substances Act in violation of Article IV of
11 the Illinois Controlled Substances Act or in violation of
12 the Methamphetamine Control and Community Protection Act,
13 except for controlled substances that are prescribed in
14 accordance with Article III of the Illinois Controlled
15 Substances Act and are dispensed to such child in a manner
16 that substantially complies with the prescription; ~~or~~

17 (h) commits or allows to be committed the offense of
18 involuntary servitude, involuntary sexual servitude of a
19 minor, or trafficking in persons as defined in Section
20 10-9 of the Criminal Code of 2012 against the child; or ~~-~~

21 (i) commits the offense of grooming as defined in
22 Section 11-25 of the Criminal Code of 2012 against the
23 child.

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

1 "Neglected child" means any child who is not receiving the
2 proper or necessary nourishment or medically indicated
3 treatment including food or care not provided solely on the
4 basis of the present or anticipated mental or physical
5 impairment as determined by a physician acting alone or in
6 consultation with other physicians or otherwise is not
7 receiving the proper or necessary support or medical or other
8 remedial care recognized under State law as necessary for a
9 child's well-being, or other care necessary for his or her
10 well-being, including adequate food, clothing and shelter; or
11 who is subjected to an environment which is injurious insofar
12 as (i) the child's environment creates a likelihood of harm to
13 the child's health, physical well-being, or welfare and (ii)
14 the likely harm to the child is the result of a blatant
15 disregard of parent, caretaker, or agency responsibilities; or
16 who is abandoned by his or her parents or other person
17 responsible for the child's welfare without a proper plan of
18 care; or who has been provided with interim crisis
19 intervention services under Section 3-5 of the Juvenile Court
20 Act of 1987 and whose parent, guardian, or custodian refuses
21 to permit the child to return home and no other living
22 arrangement agreeable to the parent, guardian, or custodian
23 can be made, and the parent, guardian, or custodian has not
24 made any other appropriate living arrangement for the child;
25 or who is a newborn infant whose blood, urine, or meconium
26 contains any amount of a controlled substance as defined in

1 subsection (f) of Section 102 of the Illinois Controlled
2 Substances Act or a metabolite thereof, with the exception of
3 a controlled substance or metabolite thereof whose presence in
4 the newborn infant is the result of medical treatment
5 administered to the mother or the newborn infant. A child
6 shall not be considered neglected for the sole reason that the
7 child's parent or other person responsible for his or her
8 welfare has left the child in the care of an adult relative for
9 any period of time. A child shall not be considered neglected
10 for the sole reason that the child has been relinquished in
11 accordance with the Abandoned Newborn Infant Protection Act. A
12 child shall not be considered neglected or abused for the sole
13 reason that such child's parent or other person responsible
14 for his or her welfare depends upon spiritual means through
15 prayer alone for the treatment or cure of disease or remedial
16 care as provided under Section 4 of this Act. A child shall not
17 be considered neglected or abused solely because the child is
18 not attending school in accordance with the requirements of
19 Article 26 of The School Code, as amended.

20 "Child Protective Service Unit" means certain specialized
21 State employees of the Department assigned by the Director to
22 perform the duties and responsibilities as provided under
23 Section 7.2 of this Act.

24 "Near fatality" means an act that, as certified by a
25 physician, places the child in serious or critical condition,
26 including acts of great bodily harm inflicted upon children

1 under 13 years of age, and as otherwise defined by Department
2 rule.

3 "Great bodily harm" includes bodily injury which creates a
4 high probability of death, or which causes serious permanent
5 disfigurement, or which causes a permanent or protracted loss
6 or impairment of the function of any bodily member or organ, or
7 other serious bodily harm.

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

1 "Temporary protective custody" means custody within a
2 hospital or other medical facility or a place previously
3 designated for such custody by the Department, subject to
4 review by the Court, including a licensed foster home, group
5 home, or other institution; but such place shall not be a jail
6 or other place for the detention of criminal or juvenile
7 offenders.

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

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

14 "An undetermined report" means any report made under this
15 Act in which it was not possible to initiate or complete an
16 investigation on the basis of information provided to the
17 Department.

18 "Subject of report" means any child reported to the
19 central register of child abuse and neglect established under
20 Section 7.7 of this Act as an alleged victim of child abuse or
21 neglect and the parent or guardian of the alleged victim or
22 other person responsible for the alleged victim's welfare who
23 is named in the report or added to the report as an alleged
24 perpetrator of child abuse or neglect.

25 "Perpetrator" means a person who, as a result of
26 investigation, has been determined by the Department to have

1 caused child abuse or neglect.

2 "Member of the clergy" means a clergyman or practitioner
3 of any religious denomination accredited by the religious body
4 to which he or she belongs.

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

6 Section 10. The Criminal Code of 2012 is amended by
7 changing Sections 11-1.20, 11-1.60, and 11-25 as follows:

8 (720 ILCS 5/11-1.20) (was 720 ILCS 5/12-13)

9 Sec. 11-1.20. Criminal sexual assault.

10 (a) A person commits criminal sexual assault if that
11 person commits an act of sexual penetration and:

12 (1) uses force or threat of force;

13 (2) knows that the victim is unable to understand the
14 nature of the act or is unable to give knowing consent;

15 (3) is a family member of the victim, and the victim is
16 under 18 years of age; ~~or~~

17 (4) is 17 years of age or over and holds a position of
18 trust, authority, or supervision in relation to the
19 victim, and the victim is at least 13 years of age but
20 under 18 years of age; or

21 (5) the victim is a student attending classes at a
22 public or nonpublic secondary school and the accused held
23 a position of trust, authority, or supervision over the
24 victim in connection with an educational or

1 extracurricular program or activity at the time of the
2 commission of the act, regardless of the location or place
3 of the commission of the act.

4 (b) Sentence.

5 (1) Criminal sexual assault is a Class 1 felony,
6 except that:

7 (A) A person who is convicted of the offense of
8 criminal sexual assault as defined in paragraph (a) (1)
9 or (a) (2) after having previously been convicted of
10 the offense of criminal sexual assault or the offense
11 of exploitation of a child, or who is convicted of the
12 offense of criminal sexual assault as defined in
13 paragraph (a) (1) or (a) (2) after having previously
14 been convicted under the laws of this State or any
15 other state of an offense that is substantially
16 equivalent to the offense of criminal sexual assault
17 or to the offense of exploitation of a child, commits a
18 Class X felony for which the person shall be sentenced
19 to a term of imprisonment of not less than 30 years and
20 not more than 60 years, except that if the person is
21 under the age of 18 years at the time of the offense,
22 he or she shall be sentenced under Section 5-4.5-105
23 of the Unified Code of Corrections. The commission of
24 the second or subsequent offense is required to have
25 been after the initial conviction for this paragraph
26 (A) to apply.

1 (B) A person who has attained the age of 18 years
2 at the time of the commission of the offense and who is
3 convicted of the offense of criminal sexual assault as
4 defined in paragraph (a)(1) or (a)(2) after having
5 previously been convicted of the offense of aggravated
6 criminal sexual assault or the offense of predatory
7 criminal sexual assault of a child, or who is
8 convicted of the offense of criminal sexual assault as
9 defined in paragraph (a)(1) or (a)(2) after having
10 previously been convicted under the laws of this State
11 or any other state of an offense that is substantially
12 equivalent to the offense of aggravated criminal
13 sexual assault or the offense of predatory criminal
14 sexual assault of a child shall be sentenced to a term
15 of natural life imprisonment. The commission of the
16 second or subsequent offense is required to have been
17 after the initial conviction for this paragraph (B) to
18 apply. An offender under the age of 18 years at the
19 time of the commission of the offense covered by this
20 subparagraph (B) shall be sentenced under Section
21 5-4.5-105 of the Unified Code of Corrections.

22 (C) A second or subsequent conviction for a
23 violation of paragraph (a)(3), ~~or~~ (a)(4), or (a)(5) or
24 under any similar statute of this State or any other
25 state for any offense involving criminal sexual
26 assault that is substantially equivalent to or more

1 serious than the sexual assault prohibited under
2 paragraph (a) (3), ~~or~~ (a) (4), or (a) (5) is a Class X
3 felony.

4 (Source: P.A. 99-69, eff. 1-1-16.)

5 (720 ILCS 5/11-1.60) (was 720 ILCS 5/12-16)

6 Sec. 11-1.60. Aggravated criminal sexual abuse.

7 (a) A person commits aggravated criminal sexual abuse if
8 that person commits criminal sexual abuse and any of the
9 following aggravating circumstances exist (i) during the
10 commission of the offense or (ii) for purposes of paragraph
11 (7), as part of the same course of conduct as the commission of
12 the offense:

13 (1) the person displays, threatens to use, or uses a
14 dangerous weapon or any other object fashioned or used in
15 a manner that leads the victim, under the circumstances,
16 reasonably to believe that the object is a dangerous
17 weapon;

18 (2) the person causes bodily harm to the victim;

19 (3) the victim is 60 years of age or older;

20 (4) the victim is a person with a physical disability;

21 (5) the person acts in a manner that threatens or
22 endangers the life of the victim or any other person;

23 (6) the person commits the criminal sexual abuse
24 during the course of committing or attempting to commit
25 any other felony; or

1 (7) the person delivers (by injection, inhalation,
2 ingestion, transfer of possession, or any other means) any
3 controlled substance to the victim for other than medical
4 purposes without the victim's consent or by threat or
5 deception.

6 (b) A person commits aggravated criminal sexual abuse if
7 that person commits an act of sexual conduct with a victim who
8 is under 18 years of age and the person is a family member.

9 (c) A person commits aggravated criminal sexual abuse if:

10 (1) that person is 17 years of age or over and: (i)
11 commits an act of sexual conduct with a victim who is under
12 13 years of age; or (ii) commits an act of sexual conduct
13 with a victim who is at least 13 years of age but under 17
14 years of age and the person uses force or threat of force
15 to commit the act; or

16 (2) that person is under 17 years of age and: (i)
17 commits an act of sexual conduct with a victim who is under
18 9 years of age; or (ii) commits an act of sexual conduct
19 with a victim who is at least 9 years of age but under 17
20 years of age and the person uses force or threat of force
21 to commit the act.

22 (d) A person commits aggravated criminal sexual abuse if
23 that person commits an act of sexual penetration or sexual
24 conduct with a victim who is at least 13 years of age but under
25 17 years of age and the person is at least 5 years older than
26 the victim.

1 (e) A person commits aggravated criminal sexual abuse if
2 that person commits an act of sexual conduct with a victim who
3 is a person with a severe or profound intellectual disability.

4 (f) A person commits aggravated criminal sexual abuse if
5 that person commits an act of sexual conduct with a victim who
6 is at least 13 years of age but under 18 years of age and the
7 person is 17 years of age or over and holds a position of
8 trust, authority, or supervision in relation to the victim.

9 (f-5) A person commits aggravated criminal sexual abuse if
10 that person commits an act of sexual conduct with a victim who
11 is a student attending classes at a public or nonpublic
12 secondary school and the accused held a position of trust,
13 authority, or supervision in relation to the victim in
14 connection with an educational or extracurricular program or
15 activity at the time of the commission of the act, regardless
16 of the location or place of the commission of the act.

17 (g) Sentence. Aggravated criminal sexual abuse is a Class
18 2 felony.

19 (Source: P.A. 99-143, eff. 7-27-15.)

20 (720 ILCS 5/11-25)

21 Sec. 11-25. Grooming.

22 (a) A person commits grooming when he or she knowingly
23 uses a computer on-line service, Internet service, local
24 bulletin board service, or any other device capable of
25 electronic data storage or transmission or performs an act in

1 person, through direct communication or by conduct through a
2 third party, to seduce, solicit, lure, or entice, or attempt
3 to seduce, solicit, lure, or entice, a child, a child's
4 guardian, or another person believed by the person to be a
5 child or a child's guardian, to commit any sex offense as
6 defined in Section 2 of the Sex Offender Registration Act, to
7 distribute photographs depicting the sex organs of the child,
8 or to otherwise engage in any unlawful sexual conduct with a
9 child or with another person believed by the person to be a
10 child. As used in this Section, "child" means a person under 17
11 years of age.

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

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

14 Section 99. Effective date. This Act takes effect upon
15 becoming law."