

HB4310



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4310

Introduced 1/16/2024, by Rep. Travis Weaver

SYNOPSIS AS INTRODUCED:

720 ILCS 5/12C-5

was 720 ILCS 5/12-21.6

Amends the Criminal Code of 2012. Provides that a person commits endangering the life or health of a child when he or she knowingly permits a child to possess an imitation firearm that has had a federally required marking altered, changed, removed, or obliterated. Provides that a violation is a Class A misdemeanor. Defines "imitation firearm".

LRB103 35106 RLC 65063 b

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
5 changing 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 person commits endangering the life or health of a
16 child when he or she knowingly permits a child to possess an
17 imitation firearm that has had a marking that is required
18 under Section 5001 of Title 15 of the United States Code
19 altered, changed, removed, or obliterated.

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

23 (c) As used in this Section:

1 "Imitation firearm" means any one or more of the following
2 that is an imitation of an original firearm and capable of
3 firing a nonmetallic projectile: a toy gun, a water gun, a
4 replica nongun, or an airsoft gun.

5 "Unattended" means either: (i) not accompanied by a person
6 14 years of age or older; or (ii) if accompanied by a person 14
7 years of age or older, out of sight of that person.

8 (d) Sentence. A violation of subsection (a) ~~this Section~~
9 is a Class A misdemeanor. A second or subsequent violation of
10 subsection (a) ~~this Section~~ is a Class 3 felony. A violation of
11 subsection (a) ~~this Section~~ that is a proximate cause of the
12 death of the child is a Class 3 felony for which a person, if
13 sentenced to a term of imprisonment, shall be sentenced to a
14 term of not less than 2 years and not more than 10 years. A
15 parent, who is found to be in violation of subsection (a) ~~this~~
16 ~~Section~~ with respect to his or her child, may be sentenced to
17 probation for this offense pursuant to Section 12C-15. A
18 violation of subsection (a-5) is a Class A misdemeanor.

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