



Sen. Don Harmon

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LRB095 19986 DRJ 49439 a

1 AMENDMENT TO SENATE BILL 2851

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2851 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Humane Care for Animals Act is amended by  
5 adding Section 18 as follows:

6 (510 ILCS 70/18 new)

7 Sec. 18. Cross-reporting.

8 (a) An animal control officer, Department investigator, or  
9 approved humane investigator who has reasonable cause to  
10 suspect or believe that a child is being abused or neglected or  
11 is in danger of being abused or neglected must immediately make  
12 a written or oral report to the Department of Children and  
13 Family Services.

14 (b) Investigation Specialists, Intact Family Specialists,  
15 and Placement Specialists employed by the Department of  
16 Children and Family Services who reasonably believe that an

1 animal observed by them when in their professional or official  
2 capacity is being abused or neglected in violation of this Act  
3 must immediately make a written or oral report to the  
4 Department of Agriculture's Bureau of Animal Health and  
5 Welfare.

6 (c) Any person, institution, or agency described in  
7 subsection (b), participating in good faith in the making of a  
8 report or referral, or in the investigation of such a report or  
9 referral, or in making a disclosure of information concerning  
10 reports of abuse or neglect under this Act, shall have immunity  
11 from any liability, civil, criminal, or otherwise, that might  
12 result by reason of such actions. For the purpose of any  
13 proceedings, civil or criminal, the good faith of any persons  
14 required to report or refer, or permitted to report, cases of  
15 suspected animal abuse or neglect, or permitted to refer  
16 individuals under this Act or required to disclose information  
17 concerning reports of animal abuse and neglect in compliance  
18 with this Act, shall be presumed.

19 (d) The identity of any person who reports animal abuse or  
20 neglect under subsection (b) shall be confidential and shall  
21 not be disclosed except as specifically authorized by this Act  
22 or other applicable law.

23 (e) A home rule unit may not regulate the reporting of  
24 child abuse or neglect in a manner inconsistent with the  
25 provisions of this Section. This Section is a limitation under  
26 subsection (i) of Section 6 of Article VII of the Illinois

1 Constitution on the concurrent exercise by home rule units of  
2 powers and functions exercised by the State.

3 Section 10. The Abused and Neglected Child Reporting Act is  
4 amended by changing Section 4 and by adding Section 11.8 as  
5 follows:

6 (325 ILCS 5/4) (from Ch. 23, par. 2054)

7 Sec. 4. Persons required to report; privileged  
8 communications; transmitting false report. Any physician,  
9 resident, intern, hospital, hospital administrator and  
10 personnel engaged in examination, care and treatment of  
11 persons, surgeon, dentist, dentist hygienist, osteopath,  
12 chiropractor, podiatrist, physician assistant, substance abuse  
13 treatment personnel, funeral home director or employee,  
14 coroner, medical examiner, emergency medical technician,  
15 acupuncturist, crisis line or hotline personnel, school  
16 personnel (including administrators and both certified and  
17 non-certified school employees), educational advocate assigned  
18 to a child pursuant to the School Code, member of a school  
19 board or the Chicago Board of Education or the governing body  
20 of a private school (but only to the extent required in  
21 accordance with other provisions of this Section expressly  
22 concerning the duty of school board members to report suspected  
23 child abuse), truant officers, social worker, social services  
24 administrator, domestic violence program personnel, registered

1 nurse, licensed practical nurse, genetic counselor,  
2 respiratory care practitioner, advanced practice nurse, home  
3 health aide, director or staff assistant of a nursery school or  
4 a child day care center, recreational program or facility  
5 personnel, law enforcement officer, licensed professional  
6 counselor, licensed clinical professional counselor,  
7 registered psychologist and assistants working under the  
8 direct supervision of a psychologist, psychiatrist, or field  
9 personnel of the Department of Healthcare and Family Services,  
10 Juvenile Justice, Public Health, Human Services (acting as  
11 successor to the Department of Mental Health and Developmental  
12 Disabilities, Rehabilitation Services, or Public Aid),  
13 Corrections, Human Rights, or Children and Family Services,  
14 supervisor and administrator of general assistance under the  
15 Illinois Public Aid Code, probation officer, animal control  
16 officer or Illinois Department of Agriculture Bureau of Animal  
17 Health and Welfare field investigator, or any other foster  
18 parent, homemaker or child care worker having reasonable cause  
19 to believe a child known to them in their professional or  
20 official capacity may be an abused child or a neglected child  
21 shall immediately report or cause a report to be made to the  
22 Department.

23 Any member of the clergy having reasonable cause to believe  
24 that a child known to that member of the clergy in his or her  
25 professional capacity may be an abused child as defined in item  
26 (c) of the definition of "abused child" in Section 3 of this

1 Act shall immediately report or cause a report to be made to  
2 the Department.

3 If an allegation is raised to a school board member during  
4 the course of an open or closed school board meeting that a  
5 child who is enrolled in the school district of which he or she  
6 is a board member is an abused child as defined in Section 3 of  
7 this Act, the member shall direct or cause the school board to  
8 direct the superintendent of the school district or other  
9 equivalent school administrator to comply with the  
10 requirements of this Act concerning the reporting of child  
11 abuse. For purposes of this paragraph, a school board member is  
12 granted the authority in his or her individual capacity to  
13 direct the superintendent of the school district or other  
14 equivalent school administrator to comply with the  
15 requirements of this Act concerning the reporting of child  
16 abuse.

17 Whenever such person is required to report under this Act  
18 in his capacity as a member of the staff of a medical or other  
19 public or private institution, school, facility or agency, or  
20 as a member of the clergy, he shall make report immediately to  
21 the Department in accordance with the provisions of this Act  
22 and may also notify the person in charge of such institution,  
23 school, facility or agency, or church, synagogue, temple,  
24 mosque, or other religious institution, or his designated agent  
25 that such report has been made. Under no circumstances shall  
26 any person in charge of such institution, school, facility or

1 agency, or church, synagogue, temple, mosque, or other  
2 religious institution, or his designated agent to whom such  
3 notification has been made, exercise any control, restraint,  
4 modification or other change in the report or the forwarding of  
5 such report to the Department.

6 The privileged quality of communication between any  
7 professional person required to report and his patient or  
8 client shall not apply to situations involving abused or  
9 neglected children and shall not constitute grounds for failure  
10 to report as required by this Act.

11 A member of the clergy may claim the privilege under  
12 Section 8-803 of the Code of Civil Procedure.

13 In addition to the above persons required to report  
14 suspected cases of abused or neglected children, any other  
15 person may make a report if such person has reasonable cause to  
16 believe a child may be an abused child or a neglected child.

17 Any person who enters into employment on and after July 1,  
18 1986 and is mandated by virtue of that employment to report  
19 under this Act, shall sign a statement on a form prescribed by  
20 the Department, to the effect that the employee has knowledge  
21 and understanding of the reporting requirements of this Act.  
22 The statement shall be signed prior to commencement of the  
23 employment. The signed statement shall be retained by the  
24 employer. The cost of printing, distribution, and filing of the  
25 statement shall be borne by the employer.

26 The Department shall provide copies of this Act, upon

1 request, to all employers employing persons who shall be  
2 required under the provisions of this Section to report under  
3 this Act.

4 Any person who knowingly transmits a false report to the  
5 Department commits the offense of disorderly conduct under  
6 subsection (a)(7) of Section 26-1 of the "Criminal Code of  
7 1961". Any person who violates this provision a second or  
8 subsequent time shall be guilty of a Class 3 felony.

9 Any person who knowingly and willfully violates any  
10 provision of this Section other than a second or subsequent  
11 violation of transmitting a false report as described in the  
12 preceding paragraph, is guilty of a Class A misdemeanor for a  
13 first violation and a Class 4 felony for a second or subsequent  
14 violation; except that if the person acted as part of a plan or  
15 scheme having as its object the prevention of discovery of an  
16 abused or neglected child by lawful authorities for the purpose  
17 of protecting or insulating any person or entity from arrest or  
18 prosecution, the person is guilty of a Class 4 felony for a  
19 first offense and a Class 3 felony for a second or subsequent  
20 offense (regardless of whether the second or subsequent offense  
21 involves any of the same facts or persons as the first or other  
22 prior offense).

23 A child whose parent, guardian or custodian in good faith  
24 selects and depends upon spiritual means through prayer alone  
25 for the treatment or cure of disease or remedial care may be  
26 considered neglected or abused, but not for the sole reason

1 that his parent, guardian or custodian accepts and practices  
2 such beliefs.

3 A child shall not be considered neglected or abused solely  
4 because the child is not attending school in accordance with  
5 the requirements of Article 26 of the School Code, as amended.

6 Nothing in this Act prohibits a mandated reporter who  
7 reasonably believes that an animal is being abused or neglected  
8 in violation of the Humane Care for Animals Act from reporting  
9 animal abuse or neglect to the Department of Agriculture's  
10 Bureau of Animal Health and Welfare.

11 A home rule unit may not regulate the reporting of child  
12 abuse or neglect in a manner inconsistent with the provisions  
13 of this Section. This Section is a limitation under subsection  
14 (i) of Section 6 of Article VII of the Illinois Constitution on  
15 the concurrent exercise by home rule units of powers and  
16 functions exercised by the State.

17 (Source: P.A. 94-888, eff. 6-20-06; 95-10, eff. 6-30-07;  
18 95-461, eff. 8-27-07; revised 11-15-07.)

19 (325 ILCS 5/11.8 new)

20 Sec. 11.8. Cross-reporting.

21 (a) Investigation Specialists, Intact Family Specialists,  
22 and Placement Specialists employed by the Department of  
23 Children and Family Services who reasonably believe that an  
24 animal observed by them when in their professional or official  
25 capacity is being abused or neglected in violation of the



1 Humane Care for Animals Act must immediately make a written or  
2 oral report to the Department of Agriculture's Bureau of Animal  
3 Health and Welfare.

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5 child abuse or neglect in a manner inconsistent with the  
6 provisions of this Section. This Section is a limitation under  
7 subsection (i) of Section 6 of Article VII of the Illinois  
8 Constitution on the concurrent exercise by home rule units of  
9 powers and functions exercised by the State.

10 Section 15. The State Mandates Act is amended by adding  
11 Section 8.32 as follows:

12 (30 ILCS 805/8.32 new)

13 Sec. 8.32. Exempt mandate. Notwithstanding Sections 6 and 8  
14 of this Act, no reimbursement by the State is required for the  
15 implementation of any mandate created by this amendatory Act of  
16 the 95th General Assembly.

17 Section 99. Effective date. This Act takes effect upon  
18 becoming law."