



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB3801

Introduced 10/5/2011, by Rep. Thomas Holbrook - Daniel V. Beiser - Jerry F. Costello, II - Rita Mayfield - Marlow H. Colvin, et al.

SYNOPSIS AS INTRODUCED:

720 ILCS 5/10-10 new
720 ILCS 5/10-11 new

Amends the Criminal Code of 1961. Creates the offense of failure to report the disappearance of a child to a law enforcement agency. Provides that a person commits the offense when he or she, as a parent, guardian, or other person having physical custody or control of a child under 13 years of age, knowingly or recklessly fails to immediately report the child as missing to a law enforcement agency after a 24-hour period expires in which he or she failed to make contact with or otherwise verify the whereabouts and safety of that child. Provides that a person does not commit the offense of failure to report the disappearance of a child to a law enforcement agency when the failure to report is due to an act of God, act of war, or inability of a law enforcement agency to receive a report of the disappearance of a child. Provides that a violation is a Class 4 felony. Provides that a parent, guardian, or other person having physical custody or control of a child under 18 years of age must report: (1) the child's death to a law enforcement agency within one hour after learning about the child's death or (2) the location of the child's corpse to a law enforcement agency within one hour after learning the location of the corpse. Provides that a person does not violate this provision when he or she fails to report due to an act of God, act of war, or inability of a law enforcement agency to receive a report of a child's death or the location of a child's corpse. Provides that a violation is a Class 4 felony.

LRB097 12788 RLC 57284 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 5. The Criminal Code of 1961 is amended by adding
5 Sections 10-10 and 10-11 as follows:

6 (720 ILCS 5/10-10 new)

7 Sec. 10-10. Failure to report the disappearance of a child
8 to a law enforcement agency.

9 (a) A person commits the offense of failure to report the
10 disappearance of a child to a law enforcement agency when he or
11 she, as a parent, guardian, or other person having physical
12 custody or control of a child under 13 years of age, knowingly
13 or recklessly fails to immediately report the child as missing
14 to a law enforcement agency after a 24-hour period expires in
15 which he or she failed to make contact with or otherwise verify
16 the whereabouts and safety of that child.

17 (b) A person does not commit the offense of failure to
18 report the disappearance of a child to a law enforcement agency
19 when the failure to report is due to an act of God, act of war,
20 or inability of a law enforcement agency to receive a report of
21 the disappearance of a child.

22 (c) Sentence. Failure to report the disappearance of a
23 child to a law enforcement agency is a Class 4 felony.

1 (720 ILCS 5/10-11 new)

2 Sec. 10-11. Death of a child or location of a child's
3 corpse.

4 (a) A parent, guardian, or other person having physical
5 custody or control of a child under 18 years of age must
6 report:

7 (1) the child's death to a law enforcement agency
8 within one hour after learning about the child's death; or

9 (2) the location of the child's corpse to a law
10 enforcement agency within one hour after learning the
11 location of the corpse.

12 (b) A person does not violate this Section when he or she
13 fails to report due to an act of God, act of war, or inability
14 of a law enforcement agency to receive a report of a child's
15 death or the location of a child's corpse.

16 (c) Sentence. A violation of this Section is a Class 4
17 felony.