



Rep. Jack D. Franks

Filed: 2/7/2012

09700HB3804ham001

LRB097 12822 RLC 65549 a

1 AMENDMENT TO HOUSE BILL 3804

2 AMENDMENT NO. _____. Amend House Bill 3804 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 1961 is amended by
5 changing Section 31-4 and adding Section 10-10 as follows:

6 (720 ILCS 5/10-10 new)

7 Sec. 10-10. Failure to report the death or disappearance of
8 a child under 13 years of age.

9 (a) A parent, legal guardian, or caretaker of a child under
10 13 years of age commits failure to report the death or
11 disappearance of a child under 13 years of age when he or she
12 knowingly fails to report the child as missing or deceased to a
13 law enforcement agency within 24 hours if the parent, legal
14 guardian, or caretaker reasonably believes that the child is
15 missing or deceased.

16 (b) A parent, legal guardian, or caretaker of a child under

1 13 years of age must report the death of the child to the law
2 enforcement agency of the county where the child's corpse was
3 found if the parent, legal guardian, or caretaker reasonably
4 believes that the death of the child was caused by a homicide,
5 accident, or other suspicious circumstance.

6 (c) A parent, legal guardian, or caretaker does not commit
7 the offense of failure to report the death or disappearance of
8 a child under 13 years of age when:

9 (1) the failure to report is due to an act of God, act
10 of war, or inability of a law enforcement agency to receive
11 a report of the disappearance of a child;

12 (2) the parent, legal guardian, or caretaker calls 911
13 to report the disappearance of the child;

14 (3) the parent, legal guardian, or caretaker knows that
15 the child is under the care of another parent, family
16 member, relative, friend, or baby sitter; or

17 (4) the parent, legal guardian, or caretaker is
18 hospitalized, in a coma, or is otherwise seriously
19 physically or mentally impaired as to prevent the person
20 from reporting the death or disappearance.

21 (d) Sentence. A violation of this Section is a Class 4
22 felony.

23 (720 ILCS 5/31-4) (from Ch. 38, par. 31-4)

24 Sec. 31-4. Obstructing justice.

25 (a) A person obstructs justice when, with intent to prevent

1 the apprehension or obstruct the prosecution or defense of any
2 person, he or she knowingly commits any of the following acts:

3 (1) ~~(a)~~ Destroys, alters, conceals or disguises
4 physical evidence, plants false evidence, furnishes false
5 information; or

6 (2) ~~(b)~~ Induces a witness having knowledge material to
7 the subject at issue to leave the State or conceal himself
8 or herself; or

9 (3) ~~(c)~~ Possessing knowledge material to the subject at
10 issue, he or she leaves the State or conceals himself; or

11 (4) If a parent, legal guardian, or caretaker of a
12 child under 13 years of age reports materially false
13 information to a law enforcement agency, medical examiner,
14 coroner, State's Attorney, or other governmental agency
15 during an investigation of the disappearance or death of a
16 child under circumstances described in subsection (a) or
17 (b) of Section 10-10 of this Code.

18 (b) ~~(d)~~ Sentence.

19 (1) Obstructing justice is a Class 4 felony, except as
20 provided in paragraph (2) of this subsection (b) ~~(d)~~.

21 (2) Obstructing justice in furtherance of streetgang
22 related or gang-related activity, as defined in Section 10
23 of the Illinois Streetgang Terrorism Omnibus Prevention
24 Act, is a Class 3 felony.

25 (Source: P.A. 90-363, eff. 1-1-98.)".