



Rep. Jack D. Franks

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09700HB3804ham002

LRB097 12822 RLC 66213 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 knows or should know and fails to report the child as missing
13 or deceased to a law enforcement agency within 24 hours if the
14 parent, legal guardian, or caretaker reasonably believes that
15 the child is missing or deceased. In the case of a child under
16 the age of 2 years, the reporting requirement is reduced to no

1 more than one hour.

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

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

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

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

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

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

23 (d) Sentence. A violation of this Section is a Class 4
24 felony.

1 Sec. 31-4. Obstructing justice.

2 (a) A person obstructs justice when, with intent to prevent
3 the apprehension or obstruct the prosecution or defense of any
4 person, he or she knowingly commits any of the following acts:

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

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

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

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

20 (b) ~~(d)~~ Sentence.

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

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

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