

1 AN ACT concerning criminal law, which may be referred to as  
2 Caylee's law.

3 **Be it enacted by the People of the State of Illinois,**  
4 **represented in the General Assembly:**

5 Section 5. The Criminal Code of 1961 is amended by changing  
6 Sections 12-9 and 31-4 and adding Section 10-10 as follows:

7 (720 ILCS 5/10-10 new)

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

10 (a) A parent, legal guardian, or caretaker of a child under  
11 13 years of age commits failure to report the death or  
12 disappearance of a child under 13 years of age when he or she  
13 knows or should know and fails to report the child as missing  
14 or deceased to a law enforcement agency within 24 hours if the  
15 parent, legal guardian, or caretaker reasonably believes that  
16 the child is missing or deceased. In the case of a child under  
17 the age of 2 years, the reporting requirement is reduced to no  
18 more than one hour.

19 (b) A parent, legal guardian, or caretaker of a child under  
20 13 years of age must report the death of the child to the law  
21 enforcement agency of the county where the child's corpse was  
22 found if the parent, legal guardian, or caretaker reasonably  
23 believes that the death of the child was caused by a homicide,

1 accident, or other suspicious circumstance.

2 (c) The Department of Children and Family Services  
3 Guardianship Administrator shall not personally be subject to  
4 the reporting requirements in subsection (a) or (b) of this  
5 Section.

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

23 (720 ILCS 5/12-9) (from Ch. 38, par. 12-9)

24 Sec. 12-9. Threatening public officials.

25 (a) A person commits threatening a public official when:

1           (1) that person knowingly delivers or conveys,  
2 directly or indirectly, to a public official by any means a  
3 communication:

4           (i) containing a threat that would place the public  
5 official or a member of his or her immediate family in  
6 reasonable apprehension of immediate or future bodily  
7 harm, sexual assault, confinement, or restraint; or

8           (ii) containing a threat that would place the  
9 public official or a member of his or her immediate  
10 family in reasonable apprehension that damage will  
11 occur to property in the custody, care, or control of  
12 the public official or his or her immediate family; and

13           (2) the threat was conveyed because of the performance  
14 or nonperformance of some public duty, because of hostility  
15 of the person making the threat toward the status or  
16 position of the public official, or because of any other  
17 factor related to the official's public existence.

18           (a-5) For purposes of a threat to a sworn law enforcement  
19 officer, the threat must contain specific facts indicative of a  
20 unique threat to the person, family or property of the officer  
21 and not a generalized threat of harm.

22           (a-6) For purposes of a threat to a social worker,  
23 caseworker, or investigator, the threat must contain specific  
24 facts indicative of a unique threat to the person, family or  
25 property of the individual and not a generalized threat of  
26 harm.

1 (b) For purposes of this Section:

2 (1) "Public official" means a person who is elected to  
3 office in accordance with a statute or who is appointed to  
4 an office which is established, and the qualifications and  
5 duties of which are prescribed, by statute, to discharge a  
6 public duty for the State or any of its political  
7 subdivisions or in the case of an elective office any  
8 person who has filed the required documents for nomination  
9 or election to such office. "Public official" includes a  
10 duly appointed assistant State's Attorney, assistant  
11 Attorney General, or Appellate Prosecutor; ~~and~~ a sworn  
12 law enforcement or peace officer; a social worker,  
13 caseworker, or investigator employed by the Department of  
14 Healthcare and Family Services, the Department of Human  
15 Services, or the Department of Children and Family  
16 Services.

17 (2) "Immediate family" means a public official's  
18 spouse or child or children.

19 (c) Threatening a public official is a Class 3 felony for a  
20 first offense and a Class 2 felony for a second or subsequent  
21 offense.

22 (Source: P.A. 95-466, eff. 6-1-08; 96-1551, eff. 7-1-11.)

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.)