

HB4097



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB4097

by Rep. Michael J. Madigan

SYNOPSIS AS INTRODUCED:

720 ILCS 5/12C-40

was 720 ILCS 5/12-10.1

Amends the Criminal Code of 2012. Makes a technical change in a Section concerning piercing the body of a minor.

LRB098 15655 RLC 50686 b

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 2012 is amended by changing
5 Section 12C-40 as follows:

6 (720 ILCS 5/12C-40) (was 720 ILCS 5/12-10.1)

7 Sec. 12C-40. Piercing the body of a minor.

8 (a)(1) A person commits piercing the ~~the~~ body of a minor
9 when he or she knowingly or recklessly pierces the body of a
10 person under 18 years of age without written consent of a
11 parent or legal guardian of that person. Before the oral cavity
12 of a person under 18 years of age may be pierced, the written
13 consent form signed by the parent or legal guardian must
14 contain a provision in substantially the following form:

15 "I understand that the oral piercing of the tongue, lips,
16 cheeks, or any other area of the oral cavity carries serious
17 risk of infection or damage to the mouth and teeth, or both
18 infection and damage to those areas, that could result but is
19 not limited to nerve damage, numbness, and life threatening
20 blood clots."

21 A person who pierces the oral cavity of a person under 18
22 years of age without obtaining a signed written consent form
23 from a parent or legal guardian of the person that includes the

1 provision describing the health risks of body piercing,
2 violates this Section.

3 (2) A person who is an owner or employed by a business that
4 performs body piercing may not permit a person under 18 years
5 of age to enter or remain on the premises where body piercing
6 is being performed unless the person under 18 years of age is
7 accompanied by his or her parent or legal guardian.

8 (b) "Pierce" means to make a hole in the body in order to
9 insert or allow the insertion of any ring, hoop, stud, or other
10 object for the purpose of ornamentation of the body. "Piercing"
11 does not include tongue splitting as defined in Section
12 12-10.2. The term "body" includes the oral cavity.

13 (c) Exceptions. This Section may not be construed in any
14 way to prohibit any injection, incision, acupuncture, or
15 similar medical or dental procedure performed by a licensed
16 health care professional or other person authorized to perform
17 that procedure or the presence on the premises where that
18 procedure is being performed by a health care professional or
19 other person authorized to perform that procedure of a person
20 under 18 years of age who is not accompanied by a parent or
21 legal guardian. This Section does not prohibit ear piercing.
22 This Section does not apply to a minor emancipated under the
23 Juvenile Court Act of 1987 or the Emancipation of Minors Act or
24 by marriage. This Section does not apply to a person under 18
25 years of age who pierces the body or oral cavity of another
26 person under 18 years of age away from the premises of any

1 business at which body piercing or oral cavity piercing is
2 performed.

3 (d) Sentence. A violation of this Section is a Class A
4 misdemeanor.

5 (Source: P.A. 97-1109, eff. 1-1-13.)