

SB1618



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB1618

Introduced 2/13/2013, by Sen. Ira I. Silverstein

SYNOPSIS AS INTRODUCED:

720 ILCS 5/12C-5

was 720 ILCS 5/12-21.6

Amends the Criminal Code of 2012. Provides that a person also commits endangering the life or health of a child if the person witnesses and fails to notify law enforcement within 24 hours after witnessing the offense that a child under the age of 18 is the victim of an offense classified as a Class A misdemeanor or higher. Establishes penalties. Provides that the statute of limitations for the offense is the same as the statute of limitations for the offense committed against the child under the age of 18 that the offender failed to report. Effective immediately.

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

6 (720 ILCS 5/12C-5) (was 720 ILCS 5/12-21.6)

7 Sec. 12C-5. Endangering the life or health of a child.

8 (a) A person commits endangering the life or health of a
9 child when he or she knowingly: (1) causes or permits the life
10 or health of a child under the age of 18 to be endangered; or
11 (2) causes or permits a child to be placed in circumstances
12 that endanger the child's life or health. It is not a violation
13 of this Section for a person to relinquish a child in
14 accordance with the Abandoned Newborn Infant Protection Act.

15 (a-5) A person commits endangering the life or health of a
16 child if the person witnesses and fails to notify law
17 enforcement within 24 hours after witnessing the offense that a
18 child under the age of 18 is the victim of an offense
19 classified as a Class A misdemeanor or higher.

20 (b) A trier of fact may infer that a child 6 years of age or
21 younger is unattended if that child is left in a motor vehicle
22 for more than 10 minutes.

23 (c) "Unattended" means either: (i) not accompanied by a

1 person 14 years of age or older; or (ii) if accompanied by a
2 person 14 years of age or older, out of sight of that person.

3 (d) Sentence.

4 (1) A violation of subsection (a) of this Section is a
5 Class A misdemeanor. A second or subsequent violation of
6 subsection (a) of this Section is a Class 3 felony. A
7 violation of subsection (a) of this Section that is a
8 proximate cause of the death of the child is a Class 3
9 felony for which a person, if sentenced to a term of
10 imprisonment, shall be sentenced to a term of not less than
11 2 years and not more than 10 years. A parent, who is found
12 to be in violation of subsection (a) of this Section with
13 respect to his or her child, may be sentenced to probation
14 for this offense pursuant to Section 12C-15.

15 (2) The penalties for a violation of subsection (a-5)
16 of this Section are as follows:

17 (A) If the conduct observed constitutes a Class 2
18 felony or higher the penalty shall be the same as the
19 penalty for the conduct observed.

20 (B) An offense under subsection (a-5) of this
21 Section is a Class 3 felony in all other cases.

22 (e) The statute of limitations for an offense under
23 subsection (a-5) is the same as the statute of limitations for
24 the offense committed against the child under the age of 18
25 that the offender failed to report.

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

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.