



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB3291

Introduced 2/18/2025, by Rep. Angelica Guerrero-Cuellar

SYNOPSIS AS INTRODUCED:

705 ILCS 405/2-3	from Ch. 37, par. 802-3
720 ILCS 150/1	from Ch. 23, par. 2351
720 ILCS 150/5	from Ch. 23, par. 2355

Amends the Juvenile Court Act of 1987. Provides that an abused minor includes a minor whose parent or immediate family member, or any person responsible for the minor's welfare, or any person who is in the same family or household as the minor, or any individual residing in the same home as the minor, or a paramour of the minor's parent who allows, encourages, or requires a minor to engage in panhandling with a person 18 years of age or older. Amends the Wrongs to Children Act. Provides that it is unlawful for a child under 18 years of age to engage in panhandling. Provides that a person 18 years of age or older who engages in panhandling with a person under 18 years of age shall be issued a citation by the peace officer who witnesses the violation. Provides that the officer's local law enforcement agency shall send a written or electronic notice to the Department of Children and Family Services that the person under 18 years of age is endangered by engaging in panhandling with a person 18 years of age or older. Provides that any person 18 years of age or older who engages in panhandling with a person under 18 years of age is guilty of a Class B misdemeanor. Defines "citation" and "panhandling".

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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 Juvenile Court Act of 1987 is amended by
5 changing Section 2-3 as follows:

6 (705 ILCS 405/2-3) (from Ch. 37, par. 802-3)

7 Sec. 2-3. Neglected or abused minor.

8 (1) Those who are neglected include any minor under 18
9 years of age or a minor 18 years of age or older for whom the
10 court has made a finding of probable cause to believe that the
11 minor is abused, neglected, or dependent under subsection (1)
12 of Section 2-10 prior to the minor's 18th birthday:

13 (a) who is not receiving the proper or necessary
14 support, education as required by law, or medical or other
15 remedial care recognized under State law as necessary for
16 a minor's well-being, or other care necessary for the
17 minor's well-being, including adequate food, clothing, and
18 shelter, or who is abandoned by the minor's parent or
19 parents or other person or persons responsible for the
20 minor's welfare, except that a minor shall not be
21 considered neglected for the sole reason that the minor's
22 parent or parents or other person or persons responsible
23 for the minor's welfare have left the minor in the care of

1 an adult relative for any period of time, who the parent or
2 parents or other person responsible for the minor's
3 welfare know is both a mentally capable adult relative and
4 physically capable adult relative, as defined by this Act;
5 or

6 (b) whose environment is injurious to the minor's
7 welfare; or

8 (c) who is a newborn infant whose blood, urine, or
9 meconium contains any amount of a controlled substance as
10 defined in subsection (f) of Section 102 of the Illinois
11 Controlled Substances Act or a metabolite of a controlled
12 substance, with the exception of controlled substances or
13 metabolites of such substances, the presence of which in
14 the newborn infant is the result of medical treatment
15 administered to the person who gave birth or the newborn
16 infant; or

17 (d) whose parent or other person responsible for the
18 minor's welfare leaves the minor without supervision for
19 an unreasonable period of time without regard for the
20 mental or physical health, safety, or welfare of that
21 minor. Whether the minor was left without regard for the
22 mental or physical health, safety, or welfare of that
23 minor or the period of time was unreasonable shall be
24 determined by considering factors including, but not
25 limited to, the following:

26 (1) the age of the minor;

1 (2) the number of minors left at the location;

2 (3) the special needs of the minor, including
3 whether the minor is a person with a physical or mental
4 disability or is otherwise in need of ongoing
5 prescribed medical treatment, such as periodic doses
6 of insulin or other medications;

7 (4) the duration of time in which the minor was
8 left without supervision;

9 (5) the condition and location of the place where
10 the minor was left without supervision;

11 (6) the time of day or night when the minor was
12 left without supervision;

13 (7) the weather conditions, including whether the
14 minor was left in a location with adequate protection
15 from the natural elements, such as adequate heat or
16 light;

17 (8) the location of the parent or guardian at the
18 time the minor was left without supervision and the
19 physical distance the minor was from the parent or
20 guardian at the time the minor was without
21 supervision;

22 (9) whether the minor's movement was restricted or
23 the minor was otherwise locked within a room or other
24 structure;

25 (10) whether the minor was given a phone number of
26 a person or location to call in the event of an

1 emergency and whether the minor was capable of making
2 an emergency call;

3 (11) whether there was food and other provision
4 left for the minor;

5 (12) whether any of the conduct is attributable to
6 economic hardship or illness and the parent, guardian,
7 or other person having physical custody or control of
8 the child made a good faith effort to provide for the
9 health and safety of the minor;

10 (13) the age and physical and mental capabilities
11 of the person or persons who provided supervision for
12 the minor;

13 (14) whether the minor was left under the
14 supervision of another person;

15 (15) any other factor that would endanger the
16 health and safety of that particular minor; or

17 (e) who has been provided with interim crisis
18 intervention services under Section 3-5 of this Act and
19 whose parent, guardian, or custodian refuses to permit the
20 minor to return home unless the minor is an immediate
21 physical danger to the minor or others living in the home.

22 A minor shall not be considered neglected for the sole
23 reason that the minor has been relinquished in accordance with
24 the Abandoned Newborn Infant Protection Act.

25 (1.5) A minor shall not be considered neglected for the
26 sole reason that the minor's parent or other person

1 responsible for the minor's welfare permits the minor to
2 engage in independent activities unless the minor was
3 permitted to engage in independent activities under
4 circumstances presenting unreasonable risk of harm to the
5 minor's mental or physical health, safety, or well-being.

6 "Independent activities" includes, but is not limited to:

7 (a) traveling to and from school, including by
8 walking, running, or bicycling;

9 (b) traveling to and from nearby commercial or
10 recreational facilities;

11 (c) engaging in outdoor play;

12 (d) remaining in a vehicle unattended, except as
13 otherwise provided by law;

14 (e) remaining at home or at a similarly appropriate
15 location unattended; or

16 (f) engaging in a similar independent activity alone
17 or with other children.

18 In determining whether an independent activity presented
19 unreasonable risk of harm, the court shall consider:

20 (1) whether the activity is accepted as suitable for
21 minors of the same age, maturity level, and developmental
22 capacity as the involved minor;

23 (2) the factors listed in items (1) through (15) of
24 paragraph (d) of subsection (1); and

25 (3) any other factor the court deems relevant.

26 (2) Those who are abused include any minor under 18 years

1 of age or a minor 18 years of age or older for whom the court
2 has made a finding of probable cause to believe that the minor
3 is abused, neglected, or dependent under subsection (1) of
4 Section 2-10 prior to the minor's 18th birthday whose parent
5 or immediate family member, or any person responsible for the
6 minor's welfare, or any person who is in the same family or
7 household as the minor, or any individual residing in the same
8 home as the minor, or a paramour of the minor's parent:

9 (i) inflicts, causes to be inflicted, or allows to be
10 inflicted upon such minor physical injury, by other than
11 accidental means, which causes death, disfigurement,
12 impairment of physical or emotional health, or loss or
13 impairment of any bodily function;

14 (ii) creates a substantial risk of physical injury to
15 such minor by other than accidental means which would be
16 likely to cause death, disfigurement, impairment of
17 emotional health, or loss or impairment of any bodily
18 function;

19 (iii) commits or allows to be committed any sex
20 offense against such minor, as such sex offenses are
21 defined in the Criminal Code of 1961 or the Criminal Code
22 of 2012, or in the Wrongs to Children Act, and extending
23 those definitions of sex offenses to include minors under
24 18 years of age;

25 (iv) commits or allows to be committed an act or acts
26 of torture upon such minor;

1 (v) inflicts excessive corporal punishment;

2 (vi) commits or allows to be committed the offense of
3 involuntary servitude, involuntary sexual servitude of a
4 minor, or trafficking in persons as defined in Section
5 10-9 of the Criminal Code of 1961 or the Criminal Code of
6 2012, upon such minor; ~~or~~

7 (vii) allows, encourages, or requires a minor to
8 commit any act of prostitution, as defined in the Criminal
9 Code of 1961 or the Criminal Code of 2012, and extending
10 those definitions to include minors under 18 years of age;
11 or ~~or~~

12 (viii) allows, encourages, or requires a minor to
13 engage in panhandling with a person 18 years of age or
14 older. As used in this paragraph, "panhandling" has the
15 meaning ascribed to the term in Section 1 of the Wrongs to
16 Children Act.

17 A minor shall not be considered abused for the sole reason
18 that the minor has been relinquished in accordance with the
19 Abandoned Newborn Infant Protection Act.

20 (3) This Section does not apply to a minor who would be
21 included herein solely for the purpose of qualifying for
22 financial assistance for the minor or the minor's parents,
23 guardian, or custodian.

24 (4) The changes made by Public Act 101-79 apply to a case
25 that is pending on or after July 12, 2019 (the effective date
26 of Public Act 101-79).

1 (Source: P.A. 103-22, eff. 8-8-23; 103-233, eff. 6-30-23;
2 103-605, eff. 7-1-24.)

3 Section 10. The Wrongs to Children Act is amended by
4 changing Sections 1 and 5 as follows:

5 (720 ILCS 150/1) (from Ch. 23, par. 2351)

6 Sec. 1. Prohibited activities involving children.

7 (a) It shall be unlawful for any person having the care,
8 custody or control of any child under the age of fourteen
9 years, to exhibit, use or employ, or in any manner, or under
10 any pretense, sell, apprentice, give away, let out, or
11 otherwise dispose of any such child to any person in or for the
12 vocation or occupation, service or purpose of singing, playing
13 on musical instruments, rope or wire walking, dancing,
14 begging, or peddling, or as a gymnast, contortionist, rider or
15 acrobat in any place whatsoever, or for any obscene, indecent
16 or immoral purpose, exhibition or practice whatsoever, or for,
17 or in any business, exhibition or vocation injurious to the
18 health or dangerous to the life or limb of such child, or
19 cause, procure or encourage any such child to engage therein.
20 Nothing in this section contained shall apply to or affect the
21 employment or use of any such child as a singer or musician in
22 any church, school or academy (or at any respectable
23 entertainment), or the teaching or learning the science or
24 practice of music.

1 (b) A person 18 years of age or older who engages in
2 panhandling with a person under 18 years of age shall be issued
3 a citation by the peace officer who witnesses the violation.
4 The officer's local law enforcement agency shall send a
5 written or electronic notice to the Department of Children and
6 Family Services that the person under 18 years of age is
7 endangered by engaging in panhandling with a person 18 years
8 years of age or older.

9 (c) In this Section:

10 "Citation" means any summons, ticket, or other official
11 document issued by a peace officer for a the violation
12 containing an order which requires the offender to respond to
13 a court to answer the charge.

14 "Panhandling" means the selling of food products or other
15 items; or begging for money or asking for monetary donations
16 unless the child is representing a nonprofit organization.

17 (Source: Laws 1877, p. 90.)

18 (720 ILCS 150/5) (from Ch. 23, par. 2355)

19 Sec. 5. Any person convicted under the provisions of the
20 preceding Sections ~~sections~~, shall for the first offense be
21 guilty of a Class A misdemeanor; and for a second or any
22 subsequent offense shall be guilty of a Class 4 felony. Any
23 person 18 years of age or older who engages in panhandling with
24 a person under 18 years of age is guilty of a Class B
25 misdemeanor.

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1 (Source: P.A. 77-2346.)