

SB1926



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB1926

Introduced 2/26/2021, by Sen. Rachelle Crowe

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 commits aggravated endangering the life or health of a child when he or she knowingly and willfully deprives a child under the age of 18 of necessary food, shelter, health care, or supervision appropriate to the age of the child, when the person is reasonably able to make the necessary provisions and which deprivation substantially harms the child's physical, mental, or emotional health. Provides a religious exception. Provides that this exception does not in any manner restrict the right of an interested party to petition the court on behalf of the best interest of the child. Provides that a violation is a Class 4 felony.

LRB102 15343 KMF 20702 b

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
5 changing 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 aggravated endangering the life or
16 health of a child when he or she knowingly and willfully
17 deprives a child under the age of 18 of necessary food,
18 shelter, health care, or supervision appropriate to the age of
19 the child, when the person is reasonably able to make the
20 necessary provisions and which deprivation substantially harms
21 the child's physical, mental, or emotional health. In this
22 subsection (a-5), the failure to provide specific medical
23 treatment shall not alone be considered willful deprivation of

1 health care if the person can show that the treatment would
2 conflict with the tenets and practice of a recognized
3 religious denomination of which the person is an adherent or
4 member. This exception does not in any manner restrict the
5 right of an interested party to petition the court on behalf of
6 the best interest of the child.

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

10 (c) "Unattended" means either: (i) not accompanied by a
11 person 14 years of age or older; or (ii) if accompanied by a
12 person 14 years of age or older, out of sight of that person.

13 (d) Sentence. A violation of subsection (a) ~~this Section~~
14 is a Class A misdemeanor. A second or subsequent violation of
15 subsection (a) ~~this Section~~ is a Class 3 felony. A violation of
16 subsection (a) ~~this Section~~ that is a proximate cause of the
17 death of the child is a Class 3 felony for which a person, if
18 sentenced to a term of imprisonment, shall be sentenced to a
19 term of not less than 2 years and not more than 10 years. A
20 violation of subsection (a-5) is a Class 4 felony. A parent,
21 who is found to be in violation of this Section with respect to
22 his or her child, may be sentenced to probation for this
23 offense pursuant to Section 12C-15.

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