



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB3071

by Rep. Keith Farnham

SYNOPSIS AS INTRODUCED:

720 ILCS 5/12C-10

was 720 ILCS 5/12-21.5

Amends the Criminal Code of 2012 concerning child abandonment. Provides that a person also commits child abandonment when he or she, as a parent, guardian, or other person having physical custody or control of a child, without regard for the mental or physical health, safety, or welfare of that child, knowingly leaves that child who is under 7 years of age or who is under 18 and has been found to have special needs, either physical or mental in nature, without supervision by a responsible person over the age of 14 for a period of 2 hours or more. Provides that the offense is also committed when a parent, guardian, or other person having physical custody or control of a child, without regard for the mental or physical health, safety, or welfare of that child, knowingly leaves that child who is at least 7 years of age and under the age of 10 without supervision by a responsible person over the age of 14 for a period of 8 hours or more. Establishes additional factors which the trier of fact shall consider in determining whether the child was left without regard for the mental or physical health, safety, or welfare of that child.

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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-10 as follows:

6 (720 ILCS 5/12C-10) (was 720 ILCS 5/12-21.5)

7 Sec. 12C-10. Child abandonment.

8 (a) A person commits child abandonment when he or she, as a
9 parent, guardian, or other person having physical custody or
10 control of a child, without regard for the mental or physical
11 health, safety, or welfare of that child, knowingly leaves that
12 child who:

13 (1) is at least 10 years of age and under the age of 13
14 without supervision by a responsible person over the age of
15 14 for a period of 24 hours or more;

16 (2) is at least 7 years of age and under the age of 10
17 without supervision by a responsible person over the age of
18 14 for a period of 8 hours or more;

19 (3) is under 7 years of age without supervision by a
20 responsible person over the age of 14 for a period of 2
21 hours or more; or

22 (4) is under 18 years of age and has been found to have
23 special needs, either physical or mental in nature, without

1 supervision by a responsible person over the age of 14 for
2 a period of 2 hours or more.

3 (a-2) It is not a violation of this Section for a person to
4 relinquish a child in accordance with the Abandoned Newborn
5 Infant Protection Act.

6 (b) For the purposes of determining whether the child was
7 left without regard for the mental or physical health, safety,
8 or welfare of that child, the trier of fact shall consider the
9 following factors:

10 (1) the age of the child;

11 (2) the number of children left at the location;

12 (3) special needs of the child, including whether the
13 child is physically or mentally handicapped, or otherwise
14 in need of ongoing prescribed medical treatment such as
15 periodic doses of insulin or other medications;

16 (4) the duration of time in which the child was left
17 without supervision;

18 (5) the condition and location of the place where the
19 child was left without supervision;

20 (6) the time of day or night when the child was left
21 without supervision;

22 (7) the weather conditions, including whether the
23 child was left in a location with adequate protection from
24 the natural elements such as adequate heat or light;

25 (8) the location of the parent, guardian, or other
26 person having physical custody or control of the child at

1 the time the child was left without supervision, the
2 physical distance the child was from the parent, guardian,
3 or other person having physical custody or control of the
4 child at the time the child was without supervision;

5 (9) whether the child's movement was restricted, or the
6 child was otherwise locked within a room or other
7 structure;

8 (10) whether the child was given a phone number of a
9 person or location to call in the event of an emergency and
10 whether the child was capable of making an emergency call;

11 (11) whether there was food and other provision left
12 for the child;

13 (12) whether any of the conduct is attributable to
14 economic hardship or illness and the parent, guardian or
15 other person having physical custody or control of the
16 child made a good faith effort to provide for the health
17 and safety of the child;

18 (13) the age and physical and mental capabilities of
19 the person or persons who provided supervision for the
20 child;

21 (14) any other factor that would endanger the health or
22 safety of that particular child;

23 (15) whether the child was left under the supervision
24 of another person; -

25 (16) the physical distance of the child to the parent,
26 guardian, or other person having physical custody or

1 control of the child;

2 (17) the reason for leaving the child unsupervised
3 which may include a medical emergency;

4 (18) whether the parent, guardian, or other person
5 having physical custody or control of a child contacted
6 another person and informed the person of his or her
7 absence from the child;

8 (19) whether the parent, guardian, or other person
9 having physical custody or control of the child in good
10 faith left a person 14 years of age or older to watch over
11 the child and that person abandoned the child; and

12 (20) the severity of the mental or physical impairment
13 suffered by the child.

14 (d) Child abandonment is a Class 4 felony. A second or
15 subsequent offense after a prior conviction is a Class 3
16 felony. A parent, who is found to be in violation of this
17 Section with respect to his or her child, may be sentenced to
18 probation for this offense pursuant to Section 12C-15.

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