



Sen. Ira I. Silverstein

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09800SB1618sam002

LRB098 08507 RLC 44667 a

1 AMENDMENT TO SENATE BILL 1618

2 AMENDMENT NO. _____. Amend Senate Bill 1618 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 2012 is amended by adding
5 Section 11-9.1B as follows:

6 (720 ILCS 5/11-9.1B new)

7 Sec. 11-9.1B. Failure to report sexual abuse of a child.

8 (a) For the purposes of this Section:

9 "Child" means any person under the age of 13.

10 "Sexual abuse" means a sexual act as defined in
11 subsection (b) of Section 11-9.1 of this Code, sexual
12 conduct as defined in Section 11-0.1 of this Code, or
13 sexual penetration as defined in Section 11-0.1 of this
14 Code.

15 (b) A person commits failure to report sexual abuse of a
16 child when he or she:

1 (1) is over the age of 18 and personally observes
2 sexual abuse, between a person who he or she knows is over
3 the age of 18 and a person he or she knows is a child; and

4 (2) knowingly fails to report the sexual abuse to law
5 enforcement.

6 (c) This Section does not apply to a person who makes
7 timely and reasonable efforts to stop the sexual abuse by
8 reporting the sexual abuse in conformance with the Abused and
9 Neglected Child Reporting Act or by reporting the sexual abuse
10 or causing a report to be made, to medical or law enforcement
11 authorities or to a mandated reporter under Section 4 of the
12 Abused and Neglected Child Reporting Act.

13 (d) A person may not be charged with the offense of failure
14 to report sexual abuse of a child under this Section until the
15 person who committed the offense is charged with criminal
16 sexual assault, aggravated criminal sexual assault, predatory
17 criminal sexual assault of a child, criminal sexual abuse,
18 aggravated criminal sexual abuse, child pornography, or sexual
19 exploitation of a child.

20 (e) It is an affirmative defense to a charge of failure to
21 report sexual abuse of a child under this Section that the
22 person who personally observed the sexual abuse had a
23 reasonable apprehension that timely action to stop the abuse
24 would result in the imminent infliction of death, great bodily
25 harm, permanent disfigurement, or permanent disability to
26 himself or herself or another in retaliation for reporting.

1 (f) Sentence. A person who violates this Section is guilty
2 of a Class A misdemeanor for the first violation and a Class 4
3 felony for a second or subsequent violation.".