



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB5032

by Rep. John D. Cavaletto

SYNOPSIS AS INTRODUCED:

720 ILCS 5/10-11 new

Amends the Criminal Code of 2012. Provides that it is not a violation of the Kidnaping and Related Offenses Article of the Code for a caretaker to transport a child under 18 years of age to another state for medical care or treatment if the caretaker reasonably believes that: (1) the child needs emergency medical care or treatment because of injury or illness; (2) a medical provider is not located within a short distance from the child's residence in this State; and (3) failure to transport the child to another state will risk further illness or injury to the child. Provides that the Department of Children and Family Services may not place a child described in this provision in its custody or foster care if the child is transported to another state under circumstances described in this provision. Defines "caretaker" as a person who has the consent of the custodial parent to care for the custodial parent's child and includes, but is not limited to, a family member, baby sitter, au pair, nanny, or person applying for guardianship or adoption of the child.

LRB099 18132 RLC 42498 b

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 adding
5 Section 10-11 as follows:

6 (720 ILCS 5/10-11 new)

7 Sec. 10-11. Transporting persons under 18 years of age to
8 another state for emergency treatment.

9 (a) In this Section:

10 "Caretaker" means a person who has the consent of the
11 custodial parent to care for the custodial parent's child
12 and includes, but is not limited to, a family member, baby
13 sitter, au pair, nanny, or person applying for guardianship
14 or adoption of the child.

15 "Child" means a person under 18 years of age.

16 (b) It is not a violation of this Article for a caretaker
17 to transport a child to another state for medical care or
18 treatment if the caretaker reasonably believes that:

19 (1) the child needs emergency medical care or treatment
20 because of injury or illness;

21 (2) a medical provider is not located within a short
22 distance from the child's residence in this State; and

23 (3) failure to transport the child to another state

1 will risk further illness or injury to the child.

2 (c) The Department of Children and Family Services may not
3 place a child described in this Section in its custody or
4 foster care if the child is transported to another state under
5 circumstances described in subsection (b).