

1 AMENDMENT TO HOUSE BILL 596

2 AMENDMENT NO. _____. Amend House Bill 596 as follows:

3 on page 10, by replacing lines 22 through 26 with the
4 following:

5 "than 14 years. However, nothing herein shall be deemed to
6 apply to a physician licensed to practice medicine in all its
7 branches or a duly licensed nurse providing care within the
8 scope of his or her professional judgment and within the
9 accepted standards of care within the community."; and

10 by replacing lines 25 through 33 on page 12 and all of pages
11 13 and 14 and lines 1 through 17 on page 15 with the
12 following:

13 "(720 ILCS 5/12-21) (from Ch. 38, par. 12-21)
14 Sec. 12-21. Criminal neglect of an elderly person or
15 disabled person with a disability.

16 (a) A person commits the offense of criminal neglect of
17 an elderly person or person with a disability ~~disabled-person~~
18 when he is a caregiver and he knowingly:

19 (1) performs acts which cause the elderly person or
20 person with a disability's ~~disabled-person's~~ life to be
21 endangered, health to be injured, or pre-existing

1 physical or mental condition to deteriorate; or

2 (2) fails to perform acts which he knows or
3 reasonably should know are necessary to maintain or
4 preserve the life or health of the elderly person or
5 disabled person with a disability and such failure causes
6 the elderly person or person with a disability's disabled
7 person's life to be endangered, health to be injured or
8 pre-existing physical or mental condition to deteriorate;
9 or

10 (3) abandons the elderly person or disabled person
11 with a disability.

12 Criminal neglect of an elderly person or person with a
13 disability is a Class 3 felony. Criminal neglect of an
14 elderly person or person with a disability is a Class 2
15 felony if the criminal neglect results in the death of the
16 person neglected for which the defendant, if sentenced to a
17 term of imprisonment, shall be sentenced to a term of not
18 less than 3 years and not more than 14 years.

19 (b) For purposes of this Section:

20 (1) "Elderly person" means a person 60 years of age
21 or older who ~~is--suffering-from-a-disease-or-infirmity~~
22 ~~associated-with-advanced-age-and-manifested-by--physical,~~
23 ~~mental--or--emotional--dysfunctioning--to-the-extent-that~~
24 ~~such-person~~ is incapable of adequately providing for his
25 or her own health and personal care.

26 (2) "Person with a disability" ~~"Disabled-person"~~
27 means a person who suffers from a permanent physical or
28 mental impairment, resulting from disease, injury,
29 functional disorder or congenital condition which renders
30 such person incapable of adequately providing for his own
31 health and personal care.

32 (3) "Caregiver" means a person who has a duty to
33 provide for an elderly person or person with a
34 disability's ~~disabled-person's~~ health and personal care,

1 at such person's place of residence, including but not
2 limited to, food and nutrition, shelter, hygiene,
3 prescribed medication and medical care and treatment.

4 "Caregiver" shall include:

5 (A) a parent, spouse, adult child or other
6 relative by blood or marriage who resides with or
7 resides in the same building with or and regularly
8 visits the elderly person or disabled person with a
9 disability, knows or reasonably should know of such
10 person's physical or mental impairment and knows or
11 reasonably should know that such person is unable to
12 adequately provide for his own health and personal
13 care;

14 (B) a person who is employed by the elderly
15 person or disabled person with a disability or by
16 another to reside with or regularly visit the
17 elderly person or disabled person with a disability
18 and provide for such person's health and personal
19 care;

20 (C) a person who has agreed for consideration
21 to reside with or regularly visit the elderly person
22 or disabled person with a disability and provide for
23 such person's health and personal care; and

24 (D) a person who has been appointed by a
25 private or public agency or by a court of competent
26 jurisdiction to provide for the elderly person or
27 person with a disability's ~~disabled-person's~~ health
28 and personal care.

29 "Caregiver" shall not include a long-term care
30 facility licensed or certified under the Nursing Home
31 Care Act or any administrative, medical or other
32 personnel of such a facility, or a health care provider
33 who is licensed under the Medical Practice Act of 1987
34 and renders care in the ordinary course of his

1 profession.

2 (4) "Abandon" means to desert or knowingly forsake
3 an elderly person or disabled person with a disability
4 under circumstances in which a reasonable person would
5 continue to provide care and custody.

6 (c) Nothing in this Section shall be construed to limit
7 the remedies available to the victim under the Illinois
8 Domestic Violence Act.

9 (d) Nothing in this Section shall be construed to impose
10 criminal liability on a person who has made a good faith
11 effort to provide for the health and personal care of an
12 elderly person or disabled person with a disability, but
13 through no fault of his own has been unable to provide such
14 care.

15 (e) Nothing in this Section shall be construed as
16 prohibiting a person from providing treatment by spiritual
17 means through prayer alone and care consistent therewith in
18 lieu of medical care and treatment in accordance with the
19 tenets and practices of any church or religious denomination
20 of which the elderly person or disabled person with a
21 disability is a member.

22 (f) It shall not be a defense to criminal neglect of an
23 elderly or disabled person that the accused reasonably
24 believed that the victim was not an elderly person or
25 disabled person with a disability.

26 (Source: P.A. 90-14, eff. 7-1-97.)"; and

27 on page 33, by inserting below line 27 the following:

28 The Department of State Police shall have access to State
29 of Illinois databases containing information that may help in
30 the identification or location of persons convicted of the
31 offenses enumerated in this Section. Interagency agreements
32 shall be implemented, consistent with security and procedures
33 established by the State agency and consistent with the laws

1 governing the confidentiality of the information in the
2 databases. Information shall be used only for administration
3 of this Section."