

1 AN ACT to amend the Humane Care for Animals Act by
2 changing Section 16 and adding Section 4.05.

3 Be it enacted by the People of the State of Illinois,
4 represented in the General Assembly:

5 Section 5. The Humane Care for Animals Act is amended by
6 changing Section 16 and adding Section 4.05 as follows:

7 (510 ILCS 70/4.05 new)

8 Sec. 4.05. Dog racing prohibited. No person shall hold,
9 conduct, or operate any greyhound race for public exhibition
10 in this State for monetary remuneration.

11 (510 ILCS 70/16) (from Ch. 8, par. 716)

12 Sec. 16. Violations; punishment; injunctions.

13 (a) Any person convicted of violating Sections 5, 5.01,
14 or 6 of this Act or any rule, regulation, or order of the
15 Department pursuant thereto, is guilty of a Class C
16 misdemeanor.

17 (b)(1) This subsection (b) does not apply where the
18 only animals involved in the violation are dogs.

19 (2) Any person convicted of violating subsection
20 (a), (b), (c) or (h) of Section 4.01 of this Act or any
21 rule, regulation, or order of the Department pursuant
22 thereto, is guilty of a Class A misdemeanor.

23 (3) A second or subsequent offense involving the
24 violation of subsection (a), (b) or (c) of Section 4.01
25 of this Act or any rule, regulation, or order of the
26 Department pursuant thereto is a Class 4 felony.

27 (4) Any person convicted of violating subsection
28 (d), (e) or (f) of Section 4.01 of this Act or any rule,
29 regulation, or order of the Department pursuant thereto,
30 is guilty of a Class B misdemeanor.

1 (5) Any person convicted of violating subsection
2 (g) of Section 4.01 of this Act or any rule, regulation,
3 or order of the Department pursuant thereto is guilty of
4 a Class C misdemeanor.

5 (c)(1) This subsection (c) applies exclusively
6 where the only animals involved in the violation are
7 dogs.

8 (2) Any person convicted of violating subsection
9 (a), (b) or (c) of Section 4.01 of this Act or any rule,
10 regulation or order of the Department pursuant thereto is
11 guilty of a Class 4 felony and may be fined an amount not
12 to exceed \$50,000.

13 (3) Any person convicted of violating subsection
14 (d), (e) or (f) of Section 4.01 of this Act or any rule,
15 regulation or order of the Department pursuant thereto is
16 guilty of Class A misdemeanor, if such person knew or
17 should have known that the device or equipment under
18 subsection (d) or (e) of that Section or the site,
19 structure or facility under subsection (f) of that
20 Section was to be used to carry out a violation where the
21 only animals involved were dogs. Where such person did
22 not know or should not reasonably have been expected to
23 know that the only animals involved in the violation were
24 dogs, the penalty shall be same as that provided for in
25 paragraph (4) of subsection (b).

26 (4) Any person convicted of violating subsection
27 (g) of Section 4.01 of this Act or any rule, regulation
28 or order of the Department pursuant thereto is guilty of
29 a Class C misdemeanor.

30 (5) A second or subsequent violation of subsection
31 (a), (b) or (c) of Section 4.01 of this Act or any rule,
32 regulation or order of the Department pursuant thereto is
33 a Class 3 felony. A second or subsequent violation of
34 subsection (d), (e) or (f) of Section 4.01 of this Act or

1 any rule, regulation or order of the Department adopted
2 pursuant thereto is a Class 3 felony, if in each
3 violation the person knew or should have known that the
4 device or equipment under subsection (d) or (e) of that
5 Section or the site, structure or facility under
6 subsection (f) of that Section was to be used to carry
7 out a violation where the only animals involved were
8 dogs. Where such person did not know or should not
9 reasonably have been expected to know that the only
10 animals involved in the violation were dogs, a second or
11 subsequent violation of subsection (d), (e) or (f) of
12 Section 4.01 of this Act or any rule, regulation or order
13 of the Department adopted pursuant thereto is a Class A
14 misdemeanor. A second or subsequent violation of
15 subsection (g) is a Class B misdemeanor.

16 (6) Any person convicted of violating Section 3.01
17 of this Act is guilty of a Class C misdemeanor. A second
18 conviction for a violation of Section 3.01 is a Class B
19 misdemeanor. A third or subsequent conviction for a
20 violation of Section 3.01 is a Class A misdemeanor.

21 (7) Any person convicted of violating Section 4.03
22 is guilty of a Class B misdemeanor.

23 (8) Any person convicted of violating Section 4.04
24 is guilty of a Class A misdemeanor where the animal is
25 not killed or totally disabled, but if the animal is
26 killed or totally disabled such person shall be guilty of
27 a Class 4 felony.

28 (8.5) A person convicted of violating subsection
29 (a) of Section 7.15 is guilty of a Class B misdemeanor.
30 A person convicted of violating subsection (b) or (c) of
31 Section 7.15 is (i) guilty of a Class A misdemeanor if
32 the dog is not killed or totally disabled and (ii) if the
33 dog is killed or totally disabled, guilty of a Class 4
34 felony and may be ordered by the court to make

1 restitution to the disabled person having custody or
2 ownership of the dog for veterinary bills and replacement
3 costs of the dog.

4 (9) Any person convicted of violating any other
5 provision of this Act, or any rule, regulation, or order
6 of the Department pursuant thereto, is guilty of a Class
7 C misdemeanor with every day that a violation continues
8 constituting a separate offense.

9 (10) Any person who violates Section 4.05 of this
10 Act shall be guilty of a Class A misdemeanor.

11 (d) Any person convicted of violating Section 7.1 is
12 guilty of a petty offense. A second or subsequent conviction
13 for a violation of Section 7.1 is a Class C misdemeanor.

14 (e) Any person convicted of violating Section 3.02 is
15 guilty of a Class A misdemeanor. A second or subsequent
16 violation is a Class 4 felony.

17 (f) The Department may enjoin a person from a continuing
18 violation of this Act.

19 (g) Any person convicted of violating Section 3.03 is
20 guilty of a Class 4 felony. A second or subsequent offense
21 is a Class 3 felony. As a condition of the sentence imposed
22 under this Section, the court shall order the offender to
23 undergo a psychological or psychiatric evaluation and to
24 undergo treatment that the court determines to be appropriate
25 after due consideration of the evaluation.

26 (Source: P.A. 90-14, eff. 7-1-97; 90-80, eff. 7-10-97;
27 91-291, eff. 1-1-00; 91-351, eff. 7-29-99; 91-357, eff.
28 7-29-99; revised 8-30-99.)