

1 AN ACT in relation to criminal law.

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

4 Section 5. The Humane Care for Animals Act is amended
5 by changing Sections 4.01, 4.02, and 16 as follows:

6 (510 ILCS 70/4.01) (from Ch. 8, par. 704.01)

7 Sec. 4.01. (a) No person may own, capture, breed, train,
8 or lease any animal which he or she knows or should know is
9 intended for use in any show, exhibition, program, or other
10 activity featuring or otherwise involving a fight between
11 such animal and any other animal or human, or the intentional
12 killing of any animal for the purpose of sport, wagering, or
13 entertainment.

14 (b) No person shall promote, conduct, carry on,
15 advertise, collect money for or in any other manner assist
16 or aid in the presentation for purposes of sport, wagering,
17 or entertainment, any show, exhibition, program, or other
18 activity involving a fight between 2 or more animals or any
19 animal and human, or the intentional killing of any animal.

20 (c) No person shall sell or offer for sale, ship,
21 transport, or otherwise move, or deliver or receive any
22 animal which he or she knows or should know has been
23 captured, bred, or trained, or will be used, to fight another
24 animal or human or be intentionally killed, for the purpose
25 of sport, wagering, or entertainment.

26 (d) No person shall manufacture for sale, shipment,
27 transportation or delivery any device or equipment which that
28 person knows or should know is intended for use in any show,
29 exhibition, program, or other activity featuring or otherwise
30 involving a fight between 2 or more animals, or any human and
31 animal, or the intentional killing of any animal for purposes

1 of sport, wagering or entertainment.

2 (e) No person shall own, possess, sell or offer for
3 sale, ship, transport, or otherwise move any equipment or
4 device which such person knows or should know is intended for
5 use in connection with any show, exhibition, program, or
6 activity featuring or otherwise involving a fight between 2
7 or more animals, or any animal and human, or the intentional
8 killing of any animal for purposes of sport, wagering or
9 entertainment.

10 (f) No person shall make available any site, structure,
11 or facility, whether enclosed or not, which he or she knows
12 or should know is intended to be used for the purpose of
13 conducting any show, exhibition, program, or other activity
14 involving a fight between 2 or more animals, or any animal
15 and human, or the intentional killing of any animal.

16 (g) No person shall attend or otherwise patronize any
17 show, exhibition, program, or other activity featuring or
18 otherwise involving a fight between 2 or more animals, or any
19 animal and human, or the intentional killing of any animal
20 for the purposes of sport, wagering or entertainment.

21 (h) (Blank). ~~No person shall tie or attach or fasten any
22 live animal to any machine or device propelled by any power
23 for the purpose of causing such animal to be pursued by a dog
24 or dogs. This subsection (h) shall apply only when such dog
25 is intended to be used in a dog fight.~~

26 (i) This Section does not apply to dogs.

27 (Source: P.A. 87-819.)

28 (510 ILCS 70/4.02) (from Ch. 8, par. 704.02)

29 Sec. 4.02. (a) Any law enforcement officer making an
30 arrest for an offense involving one or more animals dogs
31 under Section 4.01 of this Act shall lawfully take possession
32 of all animals dogs and all paraphernalia, implements, or
33 other property or things used or employed, or about to be

1 employed in the violation of any of the provisions of Section
2 4.01 of this Act. Such officer, after taking possession of
3 such animals dogs, paraphernalia, implements or other
4 property or things, shall file with the court before whom the
5 complaint is made against any person so arrested an affidavit
6 stating therein the name of the person charged in such
7 complaint, a description of the property so taken and the
8 time and place of the taking thereof together with the name
9 of the person from whom the same was taken and name of the
10 person who claims to own such property, if known, and that
11 the affiant has reason to believe and does believe, stating
12 the ground of such belief, that the property so taken was
13 used or employed, or was about to be used or employed, in
14 such violation of Section 4.01 of this Act. He shall
15 thereupon deliver the property so taken to the court, which
16 shall, by order, place the same in custody of an officer or
17 other proper person named and designated in such order, to be
18 kept by him until the conviction or final discharge of such
19 person complained against, and shall send a copy of such
20 order without delay to the State's attorney of the county and
21 the Department. The officer or person so named and
22 designated in such order shall immediately thereupon assume
23 the custody of such property and shall retain the same,
24 subject to the order of the court before which such person so
25 complained against may be required to appear for trial. Upon
26 the conviction of the person so charged, all property so
27 seized shall be adjudged by the court to be forfeited and
28 shall thereupon be destroyed or otherwise disposed of as the
29 court may order. In the event of the acquittal or final
30 discharge without conviction of the person so charged such
31 court shall, on demand, direct the delivery of such property
32 so held in custody to the owner thereof.

33 (b) Any veterinarian in this State who is presented with
34 an animal for treatment of injuries or wounds resulting from

1 fighting where there is a reasonable possibility that the
 2 animal was engaged in or utilized for a fighting event shall
 3 file a report with the Department and cooperate by furnishing
 4 the owners' names, dates and descriptions of the animal or
 5 animals involved. Any veterinarian who in good faith makes a
 6 report, as required by this subsection (b), shall have
 7 immunity from any liability, civil, criminal or that
 8 otherwise might result by reason of such actions. For the
 9 purposes of any proceedings, civil or criminal, the good
 10 faith of any such veterinarian shall be presumed.

11 (c) This Section does not apply to dogs.

12 (Source: P.A. 84-723.)

13 (510 ILCS 70/16) (from Ch. 8, par. 716)

14 Sec. 16. Violations; punishment; injunctions.

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

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

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

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

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

33 (5) Any person convicted of violating subsection

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

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

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

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

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

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

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

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

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

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

27 (8.5) A person convicted of violating subsection
 28 (a) of Section 7.15 is guilty of a Class B misdemeanor.
 29 A person convicted of violating subsection (b) or (c) of
 30 Section 7.15 is (i) guilty of a Class A misdemeanor if
 31 the dog is not killed or totally disabled and (ii) if the
 32 dog is killed or totally disabled, guilty of a Class 4
 33 felony and may be ordered by the court to make
 34 restitution to the disabled person having custody or

1 ownership of the dog for veterinary bills and replacement
2 costs of the dog.

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

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

11 (e) Any person convicted of violating Section 3.02 is
12 guilty of a Class A misdemeanor. A second or subsequent
13 violation is a Class 4 felony.

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

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

23 (Source: P.A. 90-14, eff. 7-1-97; 90-80, eff. 7-10-97;
24 91-291, eff. 1-1-00; 91-351, eff. 7-29-99; 91-357, eff.
25 7-29-99; revised 8-30-99.)

26 Section 10. The Criminal Code of 1961 is amended by
27 adding Section 26-5 as follows:

28 (720 ILCS 5/26-5 new)

29 Sec. 26-5. Dog fighting. (a) No person may own, capture,
30 breed, train, or lease any dog which he or she knows or
31 should know is intended for use in any show, exhibition,
32 program, or other activity featuring or otherwise involving a

1 fight between such dog and any other animal or human, or the
2 intentional killing of any dog for the purpose of sport,
3 wagering, or entertainment.

4 (b) No person shall promote, conduct, carry on,
5 advertise, collect money for or in any other manner assist
6 or aid in the presentation for purposes of sport, wagering,
7 or entertainment, any show, exhibition, program, or other
8 activity involving a fight between 2 or more dogs or any dog
9 and human, or the intentional killing of any dog.

10 (c) No person shall sell or offer for sale, ship,
11 transport, or otherwise move, or deliver or receive any dog
12 which he or she knows or should know has been captured, bred,
13 or trained, or will be used, to fight another dog or human or
14 be intentionally killed, for the purpose of sport, wagering,
15 or entertainment.

16 (d) No person shall manufacture for sale, shipment,
17 transportation or delivery any device or equipment which that
18 person knows or should know is intended for use in any show,
19 exhibition, program, or other activity featuring or otherwise
20 involving a fight between 2 or more dogs, or any human and
21 dog, or the intentional killing of any dog for purposes of
22 sport, wagering or entertainment.

23 (e) No person shall own, possess, sell or offer for
24 sale, ship, transport, or otherwise move any equipment or
25 device which such person knows or should know is intended for
26 use in connection with any show, exhibition, program, or
27 activity featuring or otherwise involving a fight between 2
28 or more dogs, or any dog and human, or the intentional
29 killing of any dog for purposes of sport, wagering or
30 entertainment.

31 (f) No person shall make available any site, structure,
32 or facility, whether enclosed or not, which he or she knows
33 or should know is intended to be used for the purpose of
34 conducting any show, exhibition, program, or other activity

1 involving a fight between 2 or more dogs, or any dog and
2 human, or the intentional killing of any dog.

3 (g) No person shall attend or otherwise patronize any
4 show, exhibition, program, or other activity featuring or
5 otherwise involving a fight between 2 or more dogs, or any
6 dog and human, or the intentional killing of any dog for the
7 purposes of sport, wagering or entertainment.

8 (h) No person shall tie or attach or fasten any live
9 animal to any machine or device propelled by any power for
10 the purpose of causing such animal to be pursued by a dog or
11 dogs. This subsection (h) shall apply only when such dog is
12 intended to be used in a dog fight.

13 (i)(1) Any person convicted of violating subsection (a),
14 (b) or (c) of this Section is guilty of a Class 4 felony and
15 may be fined an amount not to exceed \$50,000.

16 (2) Any person convicted of violating subsection (d),
17 (e) or (f) of this Section is guilty of Class A misdemeanor,
18 if such person knew or should have known that the device or
19 equipment under subsection (d) or (e) of this Section or the
20 site, structure or facility under subsection (f) of this
21 Section was to be used to carry out a violation where the
22 only animals involved were dogs. Where such person did not
23 know or should not reasonably have been expected to know that
24 the only animals involved in the violation were dogs, the
25 penalty is a Class B misdemeanor.

26 (3) Any person convicted of violating subsection (g) of
27 this Section is guilty of a Class C misdemeanor.

28 (4) A second or subsequent violation of subsection (a),
29 (b) or (c) of this Section is a Class 3 felony. A second or
30 subsequent violation of subsection (d), (e) or (f) of this
31 Section is a Class 3 felony, if in each violation the person
32 knew or should have known that the device or equipment under
33 subsection (d) or (e) of this Section or the site, structure
34 or facility under subsection (f) of this Section was to be

1 used to carry out a violation where the only animals involved
2 were dogs. Where such person did not know or should not
3 reasonably have been expected to know that the only animals
4 involved in the violation were dogs, a second or subsequent
5 violation of subsection (d), (e) or (f) of this Section is a
6 Class A misdemeanor. A second or subsequent violation of
7 subsection (g) is a Class B misdemeanor.

8 (5) A person who knowingly makes available any site,
9 structure, or facility, whether enclosed or not, that he or
10 she knows or should know is intended to be used for the
11 purpose of conducting any show, exhibition, program, or other
12 activity involving a fight between 2 or more dogs, or any dog
13 and human, or the intentional killing of any dog or who
14 knowingly manufactures, distributes, or delivers fittings to
15 be used in a fight between 2 or more dogs or a dog and human
16 is guilty of a Class 4 felony.

17 (6) A person who knowingly owns a dog for fighting
18 purposes or for producing a fight between 2 or more dogs or a
19 dog and human or who knowingly offers for sale or sells a dog
20 bred for fighting is guilty of a Class 3 felony if any of the
21 following factors is present:

22 (i) the dogfight is performed in the presence of a
23 person under 18 years of age;

24 (ii) the dogfight is performed for the purpose of
25 or in the presence of illegal wagering activity; or

26 (iii) the dogfight is performed in furtherance of
27 streetgang related activity as defined in Section 10 of
28 the Illinois Streetgang Terrorism Omnibus Prevention Act.