

1 AMENDMENT TO HOUSE BILL 2440

2 AMENDMENT NO. _____. Amend House Bill 2440 as follows:
3 by replacing everything after the enacting clause with the
4 following:

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

7 (510 ILCS 70/4.01) (from Ch. 8, par. 704.01)

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

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

21 (c) No person shall sell or offer for sale, ship,
22 transport, or otherwise move, or deliver or receive any

1 animal which he or she knows ~~or--should--knew~~ has been
2 captured, bred, or trained, or will be used, to fight another
3 animal or human or be intentionally killed, for the purpose
4 of sport, wagering, or entertainment.

5 (d) No person shall manufacture for sale, shipment,
6 transportation or delivery any device or equipment which that
7 person knows or should know is intended for use in any show,
8 exhibition, program, or other activity featuring or otherwise
9 involving a fight between 2 or more animals, or any human and
10 animal, or the intentional killing of any animal for purposes
11 of sport, wagering or entertainment.

12 (e) No person shall own, possess, sell or offer for
13 sale, ship, transport, or otherwise move any equipment or
14 device which such person knows or should know is intended for
15 use in connection with any show, exhibition, program, or
16 activity featuring or otherwise involving a fight between 2
17 or more animals, or any animal and human, or the intentional
18 killing of any animal for purposes of sport, wagering or
19 entertainment.

20 (f) No person shall make available any site, structure,
21 or facility, whether enclosed or not, which he or she knows
22 ~~or--should--knew~~ is intended to be used for the purpose of
23 conducting any show, exhibition, program, or other activity
24 involving a fight between 2 or more animals, or any animal
25 and human, or the intentional killing of any animal or
26 knowingly manufacture, distribute, or deliver fittings to be
27 used in a fight between 2 or more dogs or a dog and a human.

28 (g) No person shall attend or otherwise patronize any
29 show, exhibition, program, or other activity featuring or
30 otherwise involving a fight between 2 or more animals, or any
31 animal and human, or the intentional killing of any animal
32 for the purposes of sport, wagering or entertainment.

33 (h) No person shall tie or attach or fasten any live
34 animal to any machine or device propelled by any power for

1 the purpose of causing such animal to be pursued by a dog or
2 dogs. This subsection (h) shall apply only when such dog is
3 intended to be used in a dog fight.

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

5 (510 ILCS 70/4.02) (from Ch. 8, par. 704.02)

6 Sec. 4.02. (a) Any law enforcement officer making an
7 arrest for an offense involving one or more animals dogs
8 under Section 4.01 of this Act shall lawfully take possession
9 of all animals dogs and all paraphernalia, implements, or
10 other property or things used or employed, or about to be
11 employed in the violation of any of the provisions of Section
12 4.01 of this Act. Such officer, after taking possession of
13 such animals dogs, paraphernalia, implements or other
14 property or things, shall file with the court before whom the
15 complaint is made against any person so arrested an affidavit
16 stating therein the name of the person charged in such
17 complaint, a description of the property so taken and the
18 time and place of the taking thereof together with the name
19 of the person from whom the same was taken and name of the
20 person who claims to own such property, if known, and that
21 the affiant has reason to believe and does believe, stating
22 the ground of such belief, that the property so taken was
23 used or employed, or was about to be used or employed, in
24 such violation of Section 4.01 of this Act. He shall
25 thereupon deliver the property so taken to the court, which
26 shall, by order, place the same in custody of an officer or
27 other proper person named and designated in such order, to be
28 kept by him until the conviction or final discharge of such
29 person complained against, and shall send a copy of such
30 order without delay to the State's attorney of the county and
31 the Department. The officer or person so named and
32 designated in such order shall immediately thereupon assume
33 the custody of such property and shall retain the same,

1 subject to the order of the court before which such person so
2 complained against may be required to appear for trial. Upon
3 the conviction of the person so charged, all property so
4 seized shall be adjudged by the court to be forfeited and
5 shall thereupon be destroyed or otherwise disposed of as the
6 court may order. In the event of the acquittal or final
7 discharge without conviction of the person so charged such
8 court shall, on demand, direct the delivery of such property
9 so held in custody to the owner thereof.

10 (b) Any veterinarian in this State who is presented with
11 an animal for treatment of injuries or wounds resulting from
12 fighting where there is a reasonable possibility that the
13 animal was engaged in or utilized for a fighting event shall
14 file a report with the Department and cooperate by furnishing
15 the owners' names, dates and descriptions of the animal or
16 animals involved. Any veterinarian who in good faith makes a
17 report, as required by this subsection (b), shall have
18 immunity from any liability, civil, criminal or that
19 otherwise might result by reason of such actions. For the
20 purposes of any proceedings, civil or criminal, the good
21 faith of any such veterinarian shall be presumed.

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

23 (510 ILCS 70/16) (from Ch. 8, par. 716)

24 Sec. 16. Violations; punishment; injunctions.

25 (a) Any person convicted of violating Sections 5, 5.01,
26 or 6 of this Act or any rule, regulation, or order of the
27 Department pursuant thereto, is guilty of a Class C
28 misdemeanor.

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

31 (2) Any person convicted of violating subsection
32 (a), (b), (c) or (h) of Section 4.01 of this Act or any
33 rule, regulation, or order of the Department pursuant

1 thereto, is guilty of a Class A misdemeanor.

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

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

10 (5) Any person convicted of violating subsection
11 (g) of Section 4.01 of this Act or any rule, regulation,
12 or order of the Department pursuant thereto is guilty of
13 a Class C misdemeanor.

14 (c)(1) This subsection (c) applies exclusively
15 where the only animals involved in the violation are
16 dogs.

17 (2) Any person convicted of violating subsection
18 (a), (b) or (c) of Section 4.01 of this Act or any rule,
19 regulation or order of the Department pursuant thereto is
20 guilty of a Class 4 felony and may be fined an amount not
21 to exceed \$50,000. A person who knowingly owns a dog for
22 fighting purposes or for producing a fight between 2 or
23 more dogs or a dog and human or who knowingly offers for
24 sale or sells a dog bred for fighting is guilty of a
25 Class 3 felony if any of the following factors is
26 present:

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

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

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

34 (3) Any person convicted of violating subsection

1 (d), or (e) ~~or (f)~~ of Section 4.01 of this Act or any
 2 rule, regulation or order of the Department pursuant
 3 thereto is guilty of Class A misdemeanor, if such person
 4 knew or should have known that the device or equipment
 5 under subsection (d) or (e) of that Section ~~or the site,~~
 6 ~~structure or facility under subsection (f) of that~~
 7 ~~Section~~ was to be used to carry out a violation where the
 8 only animals involved were dogs. Where such person did
 9 not know or should not reasonably have been expected to
 10 know that the only animals involved in the violation were
 11 dogs, the penalty shall be same as that provided for in
 12 paragraph (4) of subsection (b).

13 (3.5) Any person convicted of violating subsection
 14 (f) of Section 4.01 is guilty of a Class 4 felony.

15 (4) Any person convicted of violating subsection
 16 (g) of Section 4.01 of this Act or any rule, regulation
 17 or order of the Department pursuant thereto is guilty of
 18 a Class C misdemeanor.

19 (5) A second or subsequent violation of subsection
 20 (a), (b) or (c) of Section 4.01 of this Act or any rule,
 21 regulation or order of the Department pursuant thereto is
 22 a Class 3 felony. A second or subsequent violation of
 23 subsection (d), or (e) ~~or (f)~~ of Section 4.01 of this Act
 24 or any rule, regulation or order of the Department
 25 adopted pursuant thereto is a Class 3 felony, if in each
 26 violation the person knew or should have known that the
 27 device or equipment under subsection (d) or (e) of that
 28 Section ~~or the site, structure or facility under~~
 29 ~~subsection (f) of that Section~~ was to be used to carry
 30 out a violation where the only animals involved were
 31 dogs. Where such person did not know or should not
 32 reasonably have been expected to know that the only
 33 animals involved in the violation were dogs, a second or
 34 subsequent violation of subsection (d), or (e) ~~or (f)~~ of

1 Section 4.01 of this Act or any rule, regulation or order
2 of the Department adopted pursuant thereto is a Class A
3 misdemeanor. A second or subsequent violation of
4 subsection (g) is a Class B misdemeanor.

5 (6) Any person convicted of violating Section 3.01
6 of this Act is guilty of a Class C misdemeanor. A second
7 conviction for a violation of Section 3.01 is a Class B
8 misdemeanor. A third or subsequent conviction for a
9 violation of Section 3.01 is a Class A misdemeanor.

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

12 (8) Any person convicted of violating Section 4.04
13 is guilty of a Class A misdemeanor where the animal is
14 not killed or totally disabled, but if the animal is
15 killed or totally disabled such person shall be guilty of
16 a Class 4 felony.

17 (8.5) A person convicted of violating subsection
18 (a) of Section 7.15 is guilty of a Class B misdemeanor.
19 A person convicted of violating subsection (b) or (c) of
20 Section 7.15 is (i) guilty of a Class A misdemeanor if
21 the dog is not killed or totally disabled and (ii) if the
22 dog is killed or totally disabled, guilty of a Class 4
23 felony and may be ordered by the court to make
24 restitution to the disabled person having custody or
25 ownership of the dog for veterinary bills and replacement
26 costs of the dog.

27 (9) Any person convicted of violating any other
28 provision of this Act, or any rule, regulation, or order
29 of the Department pursuant thereto, is guilty of a Class
30 C misdemeanor with every day that a violation continues
31 constituting a separate offense.

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

1 (e) Any person convicted of violating Section 3.02 is
2 guilty of a Class A misdemeanor. A second or subsequent
3 violation is a Class 4 felony.

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

6 (g) Any person convicted of violating Section 3.03 is
7 guilty of a Class 4 felony. A second or subsequent offense
8 is a Class 3 felony. As a condition of the sentence imposed
9 under this Section, the court shall order the offender to
10 undergo a psychological or psychiatric evaluation and to
11 undergo treatment that the court determines to be appropriate
12 after due consideration of the evaluation.

13 (Source: P.A. 90-14, eff. 7-1-97; 90-80, eff. 7-10-97;
14 91-291, eff. 1-1-00; 91-351, eff. 7-29-99; 91-357, eff.
15 7-29-99; revised 8-30-99.)

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

18 (720 ILCS 5/26-5 new)

19 Sec. 26-5. Dog fighting.

20 (a) No person may own, capture, breed, train, or lease
21 any dog which he or she knows is intended for use in any
22 show, exhibition, program, or other activity featuring or
23 otherwise involving a fight between the dog and any other
24 animal or human, or the intentional killing of any dog for
25 the purpose of sport, wagering, or entertainment.

26 (b) No person may promote, conduct, carry on, advertise,
27 collect money for or in any other manner assist or aid in the
28 presentation for purposes of sport, wagering, or
29 entertainment of any show, exhibition, program, or other
30 activity involving a fight between 2 or more dogs or any dog
31 and human, or the intentional killing of any dog.

32 (c) No person may sell or offer for sale, ship,

1 transport, or otherwise move, or deliver or receive any dog
2 which he or she knows has been captured, bred, or trained, or
3 will be used, to fight another dog or human or be
4 intentionally killed for purposes of sport, wagering, or
5 entertainment.

6 (d) No person may manufacture for sale, shipment,
7 transportation, or delivery any device or equipment which he
8 or she knows or should know is intended for use in any show,
9 exhibition, program, or other activity featuring or otherwise
10 involving a fight between 2 or more dogs, or any human and
11 dog, or the intentional killing of any dog for purposes of
12 sport, wagering, or entertainment.

13 (e) No person may own, possess, sell or offer for sale,
14 ship, transport, or otherwise move any equipment or device
15 which he or she knows or should know is intended for use in
16 connection with any show, exhibition, program, or activity
17 featuring or otherwise involving a fight between 2 or more
18 dogs, or any dog and human, or the intentional killing of any
19 dog for purposes of sport, wagering or entertainment.

20 (f) No person may knowingly make available any site,
21 structure, or facility, whether enclosed or not, that he or
22 she knows is intended to be used for the purpose of
23 conducting any show, exhibition, program, or other activity
24 involving a fight between 2 or more dogs, or any dog and
25 human, or the intentional killing of any dog or knowingly
26 manufacture, distribute, or deliver fittings to be used in a
27 fight between 2 or more dogs or a dog and human.

28 (g) No person may attend or otherwise patronize any
29 show, exhibition, program, or other activity featuring or
30 otherwise involving a fight between 2 or more dogs, or any
31 dog and human, or the intentional killing of any dog for
32 purposes of sport, wagering, or entertainment.

33 (h) No person may tie or attach or fasten any live
34 animal to any machine or device propelled by any power for

1 the purpose of causing the animal to be pursued by a dog or
2 dogs. This subsection (h) applies only when the dog is
3 intended to be used in a dog fight.

4 (i)(1) Any person convicted of violating subsection (a),
5 (b) or (c) of this Section is guilty of a Class 4 felony and
6 may be fined an amount not to exceed \$50,000. A person who
7 knowingly owns a dog for fighting purposes or for producing a
8 fight between 2 or more dogs or a dog and human or who
9 knowingly offers for sale or sells a dog bred for fighting is
10 guilty of a Class 3 felony if any of the following factors is
11 present:

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

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

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

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

28 (2.5) Any person convicted of violating subsection (f)
29 of this Section is guilty of a Class 4 felony.

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

32 (4) A second or subsequent violation of subsection (a),
33 (b), or (c) of this Section is a Class 3 felony. A second or
34 subsequent violation of subsection (d) or (e) of this Section

1 is a Class 3 felony, if in each violation the person knew or
2 should have known that the device or equipment under
3 subsection (d) or (e) of this Section was to be used to carry
4 out a violation where the only animals involved were dogs.
5 If the person did not know or should not reasonably have been
6 expected to know that the only animals involved in the
7 violation were dogs, a second or subsequent violation of
8 subsection (d) or (e) of this Section is a Class A
9 misdemeanor. A second or subsequent violation of subsection
10 (g) of this Section is a Class B misdemeanor."