

1 AN ACT concerning animals.

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 by  
5 changing Section 16 as follows:

6 (510 ILCS 70/16) (from Ch. 8, par. 716)

7 Sec. 16. Violations; punishment; injunctions.

8 (a) Any person convicted of violating subsection (1) of  
9 Section 4.01 or Sections 5, 5.01, or 6 of this Act or any  
10 rule, regulation, or order of the Department pursuant  
11 thereto, is guilty of a Class A misdemeanor. A second or  
12 subsequent violation of Section 5, 5.01, or 6 is a Class 4  
13 felony.

14 (b)(1) This subsection (b) applies to every  
15 violation, including every violation that involves more  
16 than one type of animal, except that it does not apply  
17 where the only one or more animals involved in the  
18 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 A misdemeanor. A second or  
31 subsequent violation is a Class 4 felony.

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 one or more animals involved in the  
7 violation are 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. A person who knowingly owns a dog for  
13 fighting purposes or for producing a fight between 2 or  
14 more dogs or a dog and human or who knowingly offers for  
15 sale or sells a dog bred for fighting is guilty of a  
16 Class 3 felony if any of the following factors is  
17 present:

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

20                   (ii) the dogfight is performed for the purpose  
21 of or in the presence of illegal wagering activity;  
22 or

23                   (iii) the dogfight is performed in furtherance  
24 of streetgang related activity as defined in Section  
25 10 of the Illinois Streetgang Terrorism Omnibus  
26 Prevention Act.

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

31           (3.5) Any person convicted of violating subsection  
32 (f) of Section 4.01 is guilty of a Class 4 felony.

33           (4) Any person convicted of violating subsection  
34 (g) of Section 4.01 of this Act or any rule, regulation

1 or order of the Department pursuant thereto is guilty of  
2 a Class C misdemeanor.

3 (5) A second or subsequent violation of subsection  
4 (a), (b) or (c) of Section 4.01 of this Act or any rule,  
5 regulation or order of the Department pursuant thereto is  
6 a Class 3 felony. A second or subsequent violation of  
7 subsection (d) or (e) of Section 4.01 of this Act or any  
8 rule, regulation or order of the Department adopted  
9 pursuant thereto is a Class 3 felony, if in each  
10 violation the person knew or should have known that the  
11 device or equipment under subsection (d) or (e) of that  
12 Section was to be used to carry out a violation where the  
13 only one or more animals involved were dogs. Where such  
14 person did not know or should not reasonably have been  
15 expected to know that the only one or more animals  
16 involved in the violation were dogs, a second or  
17 subsequent violation of subsection (d) or (e) of Section  
18 4.01 of this Act or any rule, regulation or order of the  
19 Department adopted pursuant thereto is a Class A  
20 misdemeanor. A second or subsequent violation of  
21 subsection (g) is a Class B misdemeanor.

22 (6) Any person convicted of violating Section 3.01  
23 of this Act is guilty of a Class A misdemeanor. A second  
24 or subsequent conviction for a violation of Section 3.01  
25 is a Class 4 felony.

26 (7) Any person convicted of violating Section 4.03  
27 is guilty of a Class A misdemeanor. A second or  
28 subsequent violation is a Class 4 felony.

29 (8) Any person convicted of violating Section 4.04  
30 is guilty of a Class A misdemeanor where the animal is  
31 not killed or totally disabled, but if the animal is  
32 killed or totally disabled such person shall be guilty of  
33 a Class 4 felony.

34 (8.5) A person convicted of violating subsection

1 (a) of Section 7.15 is guilty of a Class A misdemeanor.  
2 A person convicted of violating subsection (b) or (c) of  
3 Section 7.15 is (i) guilty of a Class A misdemeanor if  
4 the dog is not killed or totally disabled and (ii) if the  
5 dog is killed or totally disabled, guilty of a Class 4  
6 felony and may be ordered by the court to make  
7 restitution to the disabled person having custody or  
8 ownership of the dog for veterinary bills and replacement  
9 costs of the dog. A second or subsequent violation is a  
10 Class 4 felony.

11 (9) Any person convicted of any other act of abuse  
12 or neglect or of violating any other provision of this  
13 Act, or any rule, regulation, or order of the Department  
14 pursuant thereto, is guilty of a Class B misdemeanor. A  
15 second or subsequent violation is a Class 4 felony with  
16 every day that a violation continues constituting a  
17 separate offense.

18 (d) Any person convicted of violating Section 7.1 is  
19 guilty of a Class C misdemeanor. A second or subsequent  
20 conviction for a violation of Section 7.1 is a Class B  
21 misdemeanor.

22 (e) Any person convicted of violating Section 3.02 is  
23 guilty of a Class 4 felony. A second or subsequent violation  
24 is a Class 3 felony.

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

27 (g) Any person convicted of violating Section 3.03 is  
28 guilty of a Class 3 felony. As a condition of the sentence  
29 imposed under this Section, the court shall order the  
30 offender to undergo a psychological or psychiatric evaluation  
31 and to undergo treatment that the court determines to be  
32 appropriate after due consideration of the evaluation.

33 (h) In addition to any other penalty provided by law,  
34 upon a conviction for violating Sections 3, 3.01, 3.02, or

1 3.03 the court may order the convicted person to undergo a  
2 psychological or psychiatric evaluation and to undergo any  
3 treatment at the convicted person's expense that the court  
4 determines to be appropriate after due consideration of the  
5 evaluation. If the convicted person is a juvenile or a  
6 companion animal hoarder, the court must order the convicted  
7 person to undergo a psychological or psychiatric evaluation  
8 and to undergo treatment that the court determines to be  
9 appropriate after due consideration of the evaluation.

10 (i) In addition to any other penalty provided by law,  
11 upon conviction for violating Sections 3, 3.01, 3.02, or 3.03  
12 the court may order the convicted person to forfeit to an  
13 animal control or animal shelter the animal or animals that  
14 are the basis of the conviction. Upon an order of  
15 forfeiture, the convicted person is deemed to have  
16 permanently relinquished all rights to the animal or animals  
17 that are the basis of the conviction. The forfeited animal  
18 or animals shall be adopted or humanely euthanized. In no  
19 event may the convicted person or anyone residing in his or  
20 her household be permitted to adopt the forfeited animal or  
21 animals. The court, additionally, may order that the  
22 convicted person and persons dwelling in the same household  
23 as the convicted person who conspired, aided, or abetted in  
24 the unlawful act that was the basis of the conviction, or who  
25 knew or should have known of the unlawful act, may not own,  
26 harbor, or have custody or control of any other animals for a  
27 period of time that the court deems reasonable.

28 (Source: P.A. 91-291, eff. 1-1-00; 91-351, eff. 7-29-99;  
29 91-357, eff. 7-29-99; 92-16, eff. 6-28-01; 92-425, eff.  
30 1-1-02; 92-454, eff. 1-1-02; revised 10-11-01.)

31 Section 99. Effective date. This Act takes effect upon  
32 becoming law.