

1 AN ACT concerning police 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) does not apply where the
15 only animals involved in the violation are dogs.

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

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

24 (4) Any person convicted of violating subsection
25 (d), (e) or (f) of Section 4.01 of this Act or any rule,
26 regulation, or order of the Department pursuant thereto,
27 is guilty of a Class A misdemeanor. A second or
28 subsequent violation is a Class 4 felony.

29 (5) Any person convicted of violating subsection
30 (g) of Section 4.01 of this Act or any rule, regulation,
31 or order of the Department pursuant thereto is guilty of

1 a Class C misdemeanor.

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

5 (2) Any person convicted of violating subsection
6 (a), (b) or (c) of Section 4.01 of this Act or any rule,
7 regulation or order of the Department pursuant thereto is
8 guilty of a Class 4 felony and may be fined an amount not
9 to exceed \$50,000. A person who knowingly owns a dog for
10 fighting purposes or for producing a fight between 2 or
11 more dogs or a dog and human or who knowingly offers for
12 sale or sells a dog bred for fighting is guilty of a
13 Class 3 felony if any of the following factors is
14 present:

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

17 (ii) the dogfight is performed for the purpose
18 of or in the presence of illegal wagering activity;
19 or

20 (iii) the dogfight is performed in furtherance
21 of streetgang related activity as defined in Section
22 10 of the Illinois Streetgang Terrorism Omnibus
23 Prevention Act.

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

28 (3.5) Any person convicted of violating subsection
29 (f) of Section 4.01 is guilty of a Class 4 felony.

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

34 (5) A second or subsequent violation of subsection

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

18 (6) Any person convicted of violating Section 3.01
 19 of this Act is guilty of a Class A misdemeanor. A second
 20 or subsequent conviction for a violation of Section 3.01
 21 is a Class 4 felony.

22 (7) Any person convicted of violating Section 4.03
 23 is guilty of a Class A misdemeanor. A second or
 24 subsequent violation is a Class 4 felony.

25 (8) Any person convicted of violating Section 4.04
 26 is guilty of a Class 4 felony ~~A--misdemeanor~~ where the
 27 animal is not killed or totally disabled, but if the
 28 animal is killed or totally disabled such person shall be
 29 guilty of a Class 3 4 felony.

30 (8.5) A person convicted of violating subsection
 31 (a) of Section 7.15 is guilty of a Class A misdemeanor.
 32 A person convicted of violating subsection (b) or (c) of
 33 Section 7.15 is (i) guilty of a Class A misdemeanor if
 34 the dog is not killed or totally disabled and (ii) if the

1 dog is killed or totally disabled, guilty of a Class 4
2 felony and may be ordered by the court to make
3 restitution to the disabled person having custody or
4 ownership of the dog for veterinary bills and replacement
5 costs of the dog. A second or subsequent violation is a
6 Class 4 felony.

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

14 (d) Any person convicted of violating Section 7.1 is
15 guilty of a Class C misdemeanor. A second or subsequent
16 conviction for a violation of Section 7.1 is a Class B
17 misdemeanor.

18 (e) Any person convicted of violating Section 3.02 is
19 guilty of a Class 4 felony. A second or subsequent violation
20 is a Class 3 felony.

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

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

29 (h) In addition to any other penalty provided by law,
30 upon a conviction for violating Sections 3, 3.01, 3.02, or
31 3.03 the court may order the convicted person to undergo a
32 psychological or psychiatric evaluation and to undergo any
33 treatment at the convicted person's expense that the court
34 determines to be appropriate after due consideration of the

1 evaluation. If the convicted person is a juvenile or a
2 companion animal hoarder, the court must order the convicted
3 person to undergo a psychological or psychiatric evaluation
4 and to undergo treatment that the court determines to be
5 appropriate after due consideration of the evaluation.

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

24 (Source: P.A. 91-291, eff. 1-1-00; 91-351, eff. 7-29-99;
25 91-357, eff. 7-29-99; 92-16, eff. 6-28-01; 92-425, eff.
26 1-1-02; 92-454, eff. 1-1-02; revised 10-11-01.)