



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB3731

by Rep. Martin J. Moylan

SYNOPSIS AS INTRODUCED:

510 ILCS 70/4.04

from Ch. 8, par. 704.04

Amends the Humane Care for Animals Act. Provides that a person who willfully or maliciously tortures, mutilates, injures, disables, poisons, or kills any animal used by a law enforcement department or agency in the performance of the functions or duties of the department or agency or when placed in confinement off duty, any service animal, any search and rescue dog, any law enforcement, service, or search and rescue animal in training, or any accelerant detection canine used by a fire officer for arson investigations in the performance of his or her functions or while off duty is guilty of a Class 3 felony (rather than a Class 4 felony) if the animal is killed or totally disabled and a person is guilty of a Class 2 felony (rather than a Class 3 felony) if the animal is killed or totally disabled. Provides that a person who kills or severely injures any animal used by a law enforcement department or agency in the performance of the functions or duties of the department or agency of when placed off duty, any service animal, any search and rescue dog, any law enforcement, service, or search and rescue animal in training, or any accelerant detection canine used by a fire officer for arson investigations in the performance of his or her functions or while off duty, while he or she is in the commission of a felony, is guilty of a Class 2 felony. Provides that if an offender is found guilty of this offense, the offender shall be responsible for any veterinarian bills for an animal that was injured, and training costs for another animal, if the animal injured or killed is no longer able to be in service.

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CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

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 1. This Act may be referred to as Draco's Law.

5 Section 5. The Humane Care for Animals Act is amended by
6 changing Section 4.04 as follows:

7 (510 ILCS 70/4.04) (from Ch. 8, par. 704.04)

8 Sec. 4.04. Injuring or killing police animals, service
9 animals, accelerant detection dogs, or search and rescue dogs
10 prohibited.

11 (a) It shall be unlawful for any person to willfully or
12 maliciously torture, mutilate, injure, disable, poison, or
13 kill (i) any animal used by a law enforcement department or
14 agency in the performance of the functions or duties of the
15 department or agency or when placed in confinement off duty,
16 (ii) any service animal, (iii) any search and rescue dog, (iv)
17 any law enforcement, service, or search and rescue animal in
18 training, or (v) any accelerant detection canine used by a fire
19 officer for arson investigations in the performance of his or
20 her functions or while off duty. However, a police officer or
21 veterinarian may perform euthanasia in emergency situations
22 when delay would cause the animal undue suffering and pain.

1 A person convicted of violating this subsection ~~Section~~ is
2 guilty of a Class 3 ~~4~~ felony if the animal is not killed or
3 totally disabled; if the animal is killed or totally disabled,
4 the person is guilty of a Class 2 ~~3~~ felony.

5 (b) A person who kills or severely injures (i) any animal
6 used by a law enforcement department or agency in the
7 performance of the functions or duties of the department or
8 agency when placed off duty, (ii) any service animal, (iii) any
9 search and rescue dog, (iv) any law enforcement, service, or
10 search and rescue animal in training, or (v) any accelerant
11 detection canine used by a fire officer for arson
12 investigations in the performance of his or her functions or
13 while off duty, while he or she is in the commission of a
14 felony, is guilty of a Class 2 felony.

15 (c) If the offender is found to be guilty under this
16 Section, the offender shall be responsible for any veterinarian
17 bills for an animal that was injured, and training costs for
18 another animal, if the animal injured or killed is no longer
19 able to be in service.

20 (d) A person is not in violation of this Section if the
21 animal used by a law enforcement department or agency was used
22 against the person in violation of the law enforcement
23 department or agency's use of force continuum or policy.

24 (Source: P.A. 95-331, eff. 8-21-07; 95-560, eff. 8-30-07;
25 96-1171, eff. 7-22-10.)