

SB1311



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB1311

Introduced 2/7/2019, by Sen. Jason Plummer

SYNOPSIS AS INTRODUCED:

510 ILCS 70/3	from Ch. 8, par. 703
510 ILCS 70/3.01	from Ch. 8, par. 703.01
510 ILCS 70/3.02	
510 ILCS 70/3.03	
510 ILCS 70/3.03-1	

Amends the Humane Care for Animals Act. Increases penalties of owner's duties, cruel treatment, aggravated cruelty, animal torture, and depiction of animal cruelty by one class.

LRB101 09360 SLF 54458 b

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 5. The Humane Care for Animals Act is amended by
5 changing Sections 3, 3.01, 3.02, 3.03, and 3.03-1 as follows:

6 (510 ILCS 70/3) (from Ch. 8, par. 703)

7 Sec. 3. Owner's duties.

8 (a) Each owner shall provide for each of his or her
9 animals:

10 (1) a sufficient quantity of good quality, wholesome
11 food and water;

12 (2) adequate shelter and protection from the weather;

13 (3) veterinary care when needed to prevent suffering;

14 and

15 (4) humane care and treatment.

16 (b) To lawfully tether a dog outdoors, an owner must ensure
17 that the dog:

18 (1) does not suffer from a condition that is known, by
19 that person, to be exacerbated by tethering;

20 (2) is tethered in a manner that will prevent it from
21 becoming entangled with other tethered dogs;

22 (3) is not tethered with a lead that (i) exceeds
23 one-eighth of the dog's body weight or (ii) is a tow chain

1 or a log chain;

2 (4) is tethered with a lead that measures, when rounded
3 to the nearest whole foot, at least 10 feet in length;

4 (5) is tethered with a properly fitting harness or
5 collar other than the lead or a pinch, prong, or choke-type
6 collar; and

7 (6) is not tethered in a manner that will allow it to
8 reach within the property of another person, a public
9 walkway, or a road.

10 (c) Subsection (b) of this Section shall not be construed
11 to prohibit:

12 (1) a person from walking a dog with a hand-held leash;

13 (2) conduct that is directly related to the cultivating
14 of agricultural products, including shepherding or herding
15 cattle or livestock, if the restraint is reasonably
16 necessary for the safety of the dog;

17 (3) the tethering of a dog while at an organized and
18 lawful animal function, such as hunting, obedience
19 training, performance and conformance events, or law
20 enforcement training, or while in the pursuit of working or
21 competing in those endeavors; or

22 (4) a dog restrained in compliance with the
23 requirements of a camping or recreational area as defined
24 by a federal, State, or local authority or jurisdiction.

25 (d) A person convicted of violating subsection (a) of this
26 Section is guilty of a Class A ~~B~~ misdemeanor. A second or

1 subsequent violation of subsection (a) of this Section is a
2 Class 3 ~~4~~ felony with every day that a violation continues
3 constituting a separate offense. In addition to any other
4 penalty provided by law, upon conviction for violating
5 subsection (a) of this Section, the court may order the
6 convicted person to undergo a psychological or psychiatric
7 evaluation and to undergo any treatment at the convicted
8 person's expense that the court determines to be appropriate
9 after due consideration of the evaluation. If the convicted
10 person is a juvenile or a companion animal hoarder, the court
11 must order the convicted person to undergo a psychological or
12 psychiatric evaluation and to undergo treatment that the court
13 determines to be appropriate after due consideration of the
14 evaluation.

15 (e) A person convicted of violating subsection (b) of this
16 Section is guilty of a Class A ~~B~~ misdemeanor.

17 (f) As used in this Section, "tether" means to restrain by
18 tying to an object or structure, including, without limitation,
19 a house, tree, fence, post, garage, shed, or clothes line at a
20 person's residence or business, by any means, including,
21 without limitation, a chain, rope, cord, leash, or running
22 line.

23 (Source: P.A. 98-101, eff. 1-1-14.)

24 (510 ILCS 70/3.01) (from Ch. 8, par. 703.01)

25 Sec. 3.01. Cruel treatment.

1 (a) No person or owner may beat, cruelly treat, torment,
2 starve, overwork or otherwise abuse any animal.

3 (b) No owner may abandon any animal where it may become a
4 public charge or may suffer injury, hunger or exposure.

5 (c) No owner of a dog or cat that is a companion animal may
6 expose the dog or cat in a manner that places the dog or cat in
7 a life-threatening situation for a prolonged period of time in
8 extreme heat or cold conditions that:

9 (1) results in injury to or death of the animal; or

10 (2) results in hypothermia, hyperthermia, frostbite,
11 or similar condition as diagnosed by a doctor of veterinary
12 medicine.

13 (c-5) Nothing in this Section shall prohibit an animal from
14 being impounded in an emergency situation under subsection (b)
15 of Section 12 of this Act.

16 (c-10) Nothing in this Section shall prohibit a law
17 enforcement officer from taking temporary custody of a dog or
18 cat that is a companion animal that is exposed in a manner that
19 places the dog or cat in a life-threatening situation for a
20 prolonged period of time in extreme heat or cold conditions
21 that may result in injury or death of the dog or cat or may
22 result in hypothermia, hyperthermia, frostbite, or similar
23 condition. Upon taking temporary custody of the dog or cat
24 under this subsection (c-10), the law enforcement officer shall
25 attempt to contact the owner of the dog or cat and shall seek
26 emergency veterinary care for the animal as soon as available.

1 The law enforcement officer shall leave information of the
2 location of the dog or cat if the owner cannot be reached. The
3 owner of the dog or cat is responsible for any costs of
4 providing care to the dog or cat.

5 (d) A person convicted of violating this Section is guilty
6 of a Class 4 felony ~~A misdemeanor~~. A second or subsequent
7 conviction for a violation of this Section is a Class 3 ~~4~~
8 felony. In addition to any other penalty provided by law, a
9 person who is convicted of violating subsection (a) upon a
10 companion animal in the presence of a child, as defined in
11 Section 12-0.1 of the Criminal Code of 2012, shall be subject
12 to a fine of \$250 and ordered to perform community service for
13 not less than 100 hours. In addition to any other penalty
14 provided by law, upon conviction for violating this Section,
15 the court may order the convicted person to undergo a
16 psychological or psychiatric evaluation and to undergo any
17 treatment at the convicted person's expense that the court
18 determines to be appropriate after due consideration of the
19 evidence. If the convicted person is a juvenile or a companion
20 animal hoarder, the court must order the convicted person to
21 undergo a psychological or psychiatric evaluation and to
22 undergo treatment that the court determines to be appropriate
23 after due consideration of the evaluation.

24 (Source: P.A. 99-311, eff. 1-1-16; 99-357, eff. 1-1-16; 99-642,
25 eff. 7-28-16; 99-782, eff. 8-12-16; 100-740, eff. 1-1-19.)

1 (510 ILCS 70/3.02)

2 Sec. 3.02. Aggravated cruelty.

3 (a) No person may intentionally commit an act that causes a
4 companion animal to suffer serious injury or death. Aggravated
5 cruelty does not include euthanasia of a companion animal
6 through recognized methods approved by the Department of
7 Agriculture unless prohibited under subsection (b).

8 (b) No individual, except a licensed veterinarian as
9 exempted under Section 3.09, may knowingly or intentionally
10 euthanize or authorize the euthanasia of a companion animal by
11 use of carbon monoxide.

12 (c) A person convicted of violating Section 3.02 is guilty
13 of a Class 3 ~~4~~ felony. A second or subsequent violation is a
14 Class 2 ~~3~~ felony. In addition to any other penalty provided by
15 law, upon conviction for violating this Section, the court may
16 order the convicted person to undergo a psychological or
17 psychiatric evaluation and to undergo any treatment at the
18 convicted person's expense that the court determines to be
19 appropriate after due consideration of the evaluation. If the
20 convicted person is a juvenile or a companion animal hoarder,
21 the court must order the convicted person to undergo a
22 psychological or psychiatric evaluation and to undergo
23 treatment that the court determines to be appropriate after due
24 consideration of the evaluation.

25 (Source: P.A. 96-780, eff. 8-28-09.)

1 (510 ILCS 70/3.03)

2 Sec. 3.03. Animal torture.

3 (a) A person commits animal torture when that person
4 without legal justification knowingly or intentionally
5 tortures an animal. For purposes of this Section, and subject
6 to subsection (b), "torture" means infliction of or subjection
7 to extreme physical pain, motivated by an intent to increase or
8 prolong the pain, suffering, or agony of the animal.

9 (b) For the purposes of this Section, "animal torture" does
10 not include any death, harm, or injury caused to any animal by
11 any of the following activities:

12 (1) any hunting, fishing, trapping, or other activity
13 allowed under the Wildlife Code, the Wildlife Habitat
14 Management Areas Act, or the Fish and Aquatic Life Code;

15 (2) any alteration or destruction of any animal done by
16 any person or unit of government pursuant to statute,
17 ordinance, court order, or the direction of a licensed
18 veterinarian;

19 (3) any alteration or destruction of any animal by any
20 person for any legitimate purpose, including, but not
21 limited to: castration, culling, declawing, defanging, ear
22 cropping, euthanasia, gelding, grooming, neutering,
23 polling, shearing, shoeing, slaughtering, spaying, tail
24 docking, and vivisection; and

25 (4) any other activity that may be lawfully done to an
26 animal.

1 (c) A person convicted of violating this Section is guilty
2 of a Class 2 ~~3~~ felony. As a condition of the sentence imposed
3 under this Section, the court shall order the offender to
4 undergo a psychological or psychiatric evaluation and to
5 undergo treatment that the court determines to be appropriate
6 after due consideration of the evaluation.

7 (Source: P.A. 91-351, eff. 7-29-99; 92-650, eff. 7-11-02.)

8 (510 ILCS 70/3.03-1)

9 Sec. 3.03-1. Depiction of animal cruelty.

10 (a) "Depiction of animal cruelty" means any visual or
11 auditory depiction, including any photograph, motion-picture
12 film, video recording, electronic image, or sound recording,
13 that would constitute a violation of Section 3.01, 3.02, 3.03,
14 or 4.01 of the Humane Care for Animals Act or Section 26-5 or
15 48-1 of the Criminal Code of 1961 or the Criminal Code of 2012.

16 (b) No person may knowingly create, sell, market, offer to
17 market or sell, or possess a depiction of animal cruelty. No
18 person may place that depiction in commerce for commercial gain
19 or entertainment. This Section does not apply when the
20 depiction has religious, political, scientific, educational,
21 law enforcement or humane investigator training, journalistic,
22 artistic, or historical value; or involves rodeos, sanctioned
23 livestock events, or normal husbandry practices.

24 The creation, sale, marketing, offering to sell or market,
25 or possession of the depiction of animal cruelty is illegal

1 regardless of whether the maiming, mutilation, torture,
2 wounding, abuse, killing, or any other conduct took place in
3 this State.

4 (c) Any person convicted of violating this Section is
5 guilty of a Class 4 felony ~~A misdemeanor~~. A second or
6 subsequent violation is a Class 3 ~~4~~ felony. In addition to any
7 other penalty provided by law, upon conviction for violating
8 this Section, the court may order the convicted person to
9 undergo a psychological or psychiatric evaluation and to
10 undergo any treatment at the convicted person's expense that
11 the court determines to be appropriate after due consideration
12 of the evaluation. If the convicted person is a juvenile, the
13 court shall order the convicted person to undergo a
14 psychological or psychiatric evaluation and to undergo
15 treatment that the court determines to be appropriate after due
16 consideration of the evaluation.

17 (Source: P.A. 97-1108, eff. 1-1-13; 97-1150, eff. 1-25-13.)