



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB5076

by Rep. Sara Feigenholtz

SYNOPSIS AS INTRODUCED:

510 ILCS 70/16.3
510 ILCS 70/16.5 new

Amends the Humane Care for Animals Act. Provides that any person, including a veterinarian, who in good faith provides emergency care or treatment without fee to an injured animal or an animal separated from its owner due to an emergency or a disaster is not liable for civil damages as a result of his or her acts or omissions in providing or arranging further care or treatment, except for willful or wanton misconduct. Provides that the statute of limitations is 2 years for a violation of the Act (instead of cruelty to animals). Effective immediately.

LRB095 19030 RCE 45207 b

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 16.3 and by adding Section 16.5 as follows:

6 (510 ILCS 70/16.3)

7 Sec. 16.3. Civil actions. Any person who has a right of
8 ownership in an animal that is subjected to an act of
9 aggravated cruelty under Section 3.02 or torture under Section
10 3.03 in violation of this Act or in an animal that is injured
11 or killed as a result of actions taken by a person who acts in
12 bad faith under subsection (b) of Section 3.06 or under Section
13 12 of this Act may bring a civil action to recover the damages
14 sustained by that owner. Damages may include, but are not
15 limited to, the monetary value of the animal, veterinary
16 expenses incurred on behalf of the animal, any other expenses
17 incurred by the owner in rectifying the effects of the cruelty,
18 pain, and suffering of the animal, and emotional distress
19 suffered by the owner. In addition to damages that may be
20 proven, the owner is also entitled to punitive or exemplary
21 damages of not less than \$500 but not more than \$25,000 for
22 each act of abuse or neglect to which the animal was subjected.
23 In addition, the court must award reasonable attorney's fees

1 and costs actually incurred by the owner in the prosecution of
2 any action under this Section.

3 The remedies provided in this Section are in addition to
4 any other remedies allowed by law.

5 In an action under this Section, the court may enter any
6 injunctive orders reasonably necessary to protect animals from
7 any further acts of abuse, neglect, or harassment by a
8 defendant.

9 The statute of limitations for a violation of this Act
10 ~~crUELty to animals~~ is 2 years.

11 (Source: P.A. 92-454, eff. 1-1-02.)

12 (510 ILCS 70/16.5 new)

13 Sec. 16.5. Emergency care to an animal; immunity from civil
14 liability. Any person, including without limitation any person
15 licensed under the Veterinary Medicine and Surgery Practice Act
16 of 2004 or licensed as a veterinarian in any other state or
17 territory of the United States, who in good faith provides
18 emergency care or treatment without fee to an injured animal or
19 an animal separated from its owner due to an emergency or a
20 disaster is not liable for civil damages as a result of his or
21 her acts or omissions in providing or arranging further care or
22 treatment, except for willful or wanton misconduct.

23 Section 99. Effective date. This Act takes effect upon
24 becoming law.