SYNOPSIS AS INTRODUCED:

See Index

Amends the Animal Research and Production Facilities Protection Act. Adds definition for "deprive". Changes current prohibited acts into animal facility tampering and adds disrupting operations at the animal facility, if the operations directly relate to agricultural production, animal maintenance, veterinary care, or educational or scientific purposes. Creates the offense of animal facility interference for creating or possessing, without the consent of the owner, a visual or sound recording made at the animal facility, which reproduces a visual or audio experience occurring at the facility. Also includes in animal facility interference exercising control over the animal facility with the intent to deprive the facility of an animal or property, and entering a facility not open to the public. Animal facility interference is a Class A misdemeanor for a first offense and a Class 4 felony for a second or subsequent offense. Creates the offense of animal facility fraud that retains the current entering a facility under false pretenses, and by theft or deception obtain control over facility property. Adds to animal facility fraud making a false statement or representation on a facility employment application, with the intent to commit an act not authorized by the facility. Penalty for animal facility fraud is a Class 4 felony to a Class 1 felony depending on the amount of loss or damage inflicted. Adds to current civil remedies an authorization for civil damages of treble the amount of actual damages, plus court costs and attorney fees. Provides an exception to animal facility tampering and animal facility interference for certain persons.
AN ACT concerning criminal law.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Animal Research and Production Facilities Protection Act is amended by changing Sections 3, 4, 5, and 6 and by adding Sections 4.3, 4.5, and 6.5 as follows:

(720 ILCS 215/3) (from Ch. 8, par. 753)

Sec. 3. Definitions.

a) "Animal" means every living creature, domestic or wild, but does not include man.

(a-5) "Deprive" means to do any of the following with an animal maintained at an animal facility or property belonging to an animal facility:

(1) Withhold the animal or property for a period of time sufficient to significantly reduce the value or enjoyment of the animal or property.

(2) Withhold the animal or property for ransom or upon condition to restore the animal or property in return for compensation.

(3) Dispose of the animal or property in a manner that makes recovery of the animal or property by its owner unlikely.

b) "Director" means the Director of the Illinois Department
of Agriculture or the Director's authorized representative.

c) "Animal facility" means any facility engaging in legal scientific research or agricultural production of or involving the use of animals including any organization with a primary purpose of representing livestock production or processing, any organization with a primary purpose of promoting or marketing livestock or livestock products, any person licensed to practice veterinary medicine, any institution as defined in the Impounding and Disposition of Stray Animals Act, and any organization with a primary purpose of representing any such person, organization, or institution. "Animal facility" shall include the owner, operator, and employees of any animal facility and any premises where animals are located.

(Source: P.A. 86-1397.)

(720 ILCS 215/4) (from Ch. 8, par. 754)

Sec. 4. Animal facility tampering Prohibited Acts. A person commits animal facility tampering when he or she, without the consent of the owner, knowingly: It shall be unlawful for any person,

(1) releases, steals to release, steal, or otherwise intentionally cause the death, injury, or loss of any animal at or from an animal facility and not authorized by that facility;

(2) destroys, damages, vandalizes, alters, or steals to damage, vandalize, or steal any property in or on an animal facility, including but not limited to land, fixtures,
structures, equipment, machinery, vehicles, computer software, or computer data;

(2.5) disrupts operations conducted at the animal facility, if the operations directly relate to agricultural production, animal maintenance, veterinary care, or educational or scientific purposes;

(3) (Blank). to obtain access to an animal facility by false pretenses for the purpose of performing acts not authorized by that facility;

(4) enters to enter into an animal facility with an intent to destroy, damage, alter, duplicate, or obtain unauthorized possession of records, software, data, materials, equipment, or animals; or

(5) (Blank). by theft or deception knowingly to obtain control or to exert control over records, data, material, equipment, or animals of any animal facility for the purpose of depriving the rightful owner or animal facility of the records, material, data, equipment, or animals or for the purpose of concealing, abandoning, or destroying such records, material, data, equipment, or animals; or

(6) enters or remains to enter or remain on an animal facility with the intent to commit an act prohibited under this Section.

(Source: P.A. 86-1397.)

(720 ILCS 215/4.3 new)
Sec. 4.3. Animal facility interference.

(a) A person commits animal facility interference when he or she, without the consent of the owner, knowingly:

(1) creates a record, while on the property of the animal facility, which reproduces by a photographic, audio or similar medium an image or sound of a visual or audio experience occurring at the animal facility;

(2) possesses or distributes a record which reproduces by a photographic, audio or similar medium an image or sound of a visual or audio experience occurring at the animal facility;

(3) exercises control over the animal facility including an animal maintained at the animal facility, with the intent to deprive the animal facility of the animal or property; or

(4) enters onto the animal facility, or remains at the animal facility, when the person has notice that the facility is not open to the public.

(b) A person has notice that an animal facility is not open to the public if the person is provided notice before entering the facility, or the person refuses to immediately leave the facility after being informed to leave. The notice may be in the form of a written or verbal communication by the owner, a fence or other enclosure designed to exclude intruders or contain animals, or a sign posted which is reasonably likely to come to the attention of an intruder and which indicates that
entry is forbidden.

(720 ILCS 215/4.5 new)

Sec. 4.5. Animal facility fraud. A person commits animal facility fraud when he or she knowingly:

(1) obtains access to an animal facility by false pretenses for the purpose of performing acts not authorized by that facility;

(2) by theft or deception obtains control or exerts control over records, data, material, equipment, or animals of any animal facility for the purpose of depriving the rightful owner or animal facility of the records, material, data, equipment, or animals or for the purpose of concealing, abandoning, or destroying such records, material, data, equipment, or animals; or

(3) makes a false statement or representation as part of an application to be employed at the animal facility, with the intent to commit an act not authorized by that facility.

(720 ILCS 215/5) (from Ch. 8, par. 755)

Sec. 5. Penalties.

(a) (1) Any person who commits animal facility tampering or animal facility fraud is violates any provision of Section 4 shall be guilty of a Class 4 felony for each such violation, unless the loss, theft, or damage to the animal facility property exceeds $300 in value.
(2) If the loss, theft, or damage to the animal facility property exceeds $300 in value but does not exceed $10,000 in value, the person is guilty of a Class 3 felony.

(3) If the loss, theft, or damage to the animal facility property exceeds $10,000 in value but does not exceed $100,000 in value, the person is guilty of a Class 2 felony.

(4) If the loss, theft, or damage to the animal facility property exceeds $100,000 in value, the person is guilty of a Class 1 felony.

(a-5) Any person who commits animal facility interference is guilty of a Class A misdemeanor for a first offense and a Class 4 felony for a second or subsequent offense.

(b) Any person who, with the intent that any violation of any provision of Sections 4, 4.3, or 4.5 be committed, agrees with another to the commission of the violation and commits an act in furtherance of this agreement is guilty of the same class of offense as provided in this Section for that violation.

(c) Restitution.

(1) Court shall conduct a hearing to determine the reasonable cost of replacing materials, data, equipment, animals and records that may have been damaged, destroyed, lost or cannot be returned, and the reasonable cost of repeating any experimentation that may have been interrupted or invalidated as a result of a violation of
Sections 4, 4.3, or 4.5 Section 4.

(2) Any persons convicted of a such violation of Sections 4, 4.3, or 4.5 shall be ordered jointly and severally to make restitution to the owner, operator, or both, of the animal facility in the full amount of the reasonable cost determined under paragraph (1).

(Source: P.A. 86-1397.)

(720 ILCS 215/6) (from Ch. 8, par. 756)

Sec. 6. Private rights of action. Nothing in this Act shall preclude any animal facility injured in its business or property by a violation of this Act from seeking appropriate relief under any other provision of law or remedy including damages of treble the amount of actual damages and the issuance of a permanent injunction against any person who violates any provision of this Act. The animal facility owner or operator may petition the court to permanently enjoin such person from violating this Act and the court shall provide such relief.

(Source: P.A. 86-1397.)

(720 ILCS 215/6.5 new)

Sec. 6.5. Animal facility offense exemptions. Sections 4 and 4.3 do not apply to the conduct of the following persons or entities:

(1) A person holding a legal interest in the animal facility, an animal maintained at the animal facility, or other
property kept at the animal facility if the legal interest is superior to the legal interest held by the person incurring damages resulting from the conduct.

(2) A governmental agency or officer who is taking lawful action involving an animal facility, an animal maintained at the animal facility, or other property kept at the animal facility.

(3) A licensed veterinarian practicing veterinary medicine according to customary standards of care.
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5  720 ILCS 215/4.3 new
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7  720 ILCS 215/5    from Ch. 8, par. 755
8  720 ILCS 215/6    from Ch. 8, par. 756
9  720 ILCS 215/6.5 new