

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 2.01a, 2.07, 4.01, 4.02, 4.03, 4.04, 10,
6 12, and 16 and by adding Sections 2.01b, 2.01c, 2.01d, 2.01e,
7 2.01f, 2.01g, 2.01h, 2.09, 2.10, 3.04, 3.05, 3.06, 3.07,
8 16.1, 16.2, 16.3, and 16.4 as follows:

9 (510 ILCS 70/2.01a)

10 Sec. 2.01a. Companion animal. "Companion animal" means
11 an animal that is commonly considered to be, or is considered
12 by the owner to be to-be-used-as, a pet. "Companion animal"
13 includes, but is not limited to, canines, felines, and
14 equines.

15 (Source: P.A. 88-600, eff. 9-1-94.)

16 (510 ILCS 70/2.01b new)

17 Sec. 2.01b. Exigent circumstances. "Exigent
18 circumstances" means a licensed veterinarian cannot be
19 secured without undue delay and, in the opinion of the animal
20 control warden, animal control administrator, Department of
21 Agriculture investigator, approved humane investigator, or
22 animal shelter employee, the animal is so severely injured,
23 diseased, or suffering that it is unfit for any useful
24 purpose and to delay humane euthanasia would continue to
25 cause the animal extreme suffering.

26 (510 ILCS 70/2.01c new)

27 Sec. 2.01c. Service animal. "Service animal" means an
28 animal trained in obedience and task skills to meet the needs
29 of a disabled person.

1 (510 ILCS 70/2.01d new)

2 Sec. 2.01d. Search and rescue dog. "Search and rescue
3 dog" means any dog that is trained or is certified to locate
4 persons lost on land or in water.

5 (510 ILCS 70/2.01e new)

6 Sec. 2.01e. Animal Control Administrator. "Animal
7 Control Administrator" means a veterinarian licensed by the
8 State of Illinois and appointed pursuant to the Animal
9 Control Act, or his duly authorized representative.

10 (510 ILCS 70/2.01f new)

11 Sec. 2.01f. Animal control facility. "Animal control
12 facility" means any facility operated by or under contract
13 for the State, county, or any municipal corporation or
14 political subdivision of the State for the purpose of
15 impounding or harboring seized, stray, homeless, abandoned or
16 unwanted dogs, cats, and other animals.

17 (510 ILCS 70/2.01g new)

18 Sec. 2.01g. Animal Control Warden. "Animal Control
19 Warden" means any person appointed by the Administrator and
20 approved by the Board to perform duties as assigned by the
21 Administrator to effectuate the Animal Control Act.

22 (510 ILCS 70/2.01h new)

23 Sec. 2.01h. Animal shelter. "Animal shelter" means a
24 facility operated, owned, or maintained by a duly
25 incorporated humane society, animal welfare society, or other
26 non-profit organization for the purpose of providing for and
27 promoting the welfare, protection, and humane treatment of
28 animals. "Animal shelter" also means any veterinary hospital
29 or clinic operated by a veterinarian or veterinarians
30 licensed under the Veterinary Medicine and Surgery Practice

1 Act of 1994 which operates for the above mentioned purpose in
2 addition to its customary purposes.

3 (510 ILCS 70/2.07) (from Ch. 8, par. 702.07)

4 Sec. 2.07. Person. "Person" means any individual,
5 minor, firm, corporation, partnership, other business unit,
6 society, association, or other legal entity, any public or
7 private institution, the State of Illinois, or any municipal
8 corporation or political subdivision of the State.

9 (Source: P.A. 78-905.)

10 (510 ILCS 70/2.09 new)

11 Sec. 2.09. Humanely euthanized. "Humanely euthanized"
12 means the painless administration of a lethal dose of an
13 agent or method of euthanasia as prescribed in the Report of
14 the American Veterinary Medical Association Panel on
15 Euthanasia published in the Journal of the American
16 Veterinary Medical Association, March 1, 2001 (or any
17 successor version of that Report), that causes the painless
18 death of an animal. Animals must be handled prior to
19 administration of the agent or method of euthanasia in a
20 manner to avoid undue apprehension by the animal.

21 (510 ILCS 70/2.10 new)

22 Sec. 2.10. Companion animal hoarder. "Companion animal
23 hoarder" means a person who (i) possesses a large number of
24 companion animals; (ii) fails to or is unable to provide what
25 he or she is required to provide under Section 3 of this Act;
26 (iii) keeps the companion animals in a severely overcrowded
27 environment; and (iv) displays an inability to recognize or
28 understand the nature of or has a reckless disregard for the
29 conditions under which the companion animals are living and
30 the deleterious impact they have on the companion animals'
31 and owner's health and well-being.

1 (510 ILCS 70/3.04 new)

2 Sec. 3.04. Arrests and seizures.

3 (a) Any law enforcement officer making an arrest for an
4 offense involving one or more companion animals under Section
5 3.01, 3.02, or 3.03 of this Act may lawfully take possession
6 of some or all of the companion animals in the possession of
7 the person arrested. The officer, after taking possession of
8 the companion animals, must file with the court before whom
9 the complaint is made against any person so arrested an
10 affidavit stating the name of the person charged in the
11 complaint, a description of the condition of the companion
12 animal or companion animals taken, and the time and place the
13 companion animal or companion animals were taken, together
14 with the name of the person from whom the companion animal or
15 companion animals were taken and name of the person who
16 claims to own the companion animal or companion animals if
17 different from the person from whom the companion animal or
18 companion animals were seized. He or she must at the same
19 time deliver an inventory of the companion animal or
20 companion animals taken to the court of competent
21 jurisdiction. The officer must place the companion animal or
22 companion animals in the custody of an animal control or
23 animal shelter and the agency must retain custody of the
24 companion animal or companion animals subject to an order of
25 the court adjudicating the charges on the merits and before
26 which the person complained against is required to appear for
27 trial. The State's Attorney may, within 14 days after the
28 seizure, file a "petition for forfeiture prior to trial"
29 before the court having criminal jurisdiction over the
30 alleged charges, asking for permanent forfeiture of the
31 companion animals seized. The petition shall be filed with
32 the court, with copies served on the impounding agency, the
33 owner, and anyone claiming an interest in the animals. In a
34 "petition for forfeiture prior to trial", the burden is on

1 the prosecution to prove by a preponderance of the evidence
2 that the person arrested violated Section 3.01, 3.02, 3.03,
3 or 4.01.

4 (b) An owner whose companion animal or companion animals
5 are removed by a law enforcement officer under this Section
6 must be given written notice of the circumstances of the
7 removal and of any legal remedies available to him or her.
8 The notice must be posted at the place of seizure, or
9 delivered to a person residing at the place of seizure or, if
10 the address of the owner is different from the address of the
11 person from whom the companion animal or companion animals
12 were seized, delivered by registered mail to his or her last
13 known address.

14 (510 ILCS 70/3.05 new)

15 Sec. 3.05. Security for companion animals and animals
16 used for fighting purposes.

17 (a) In the case of companion animals as defined in
18 Section 2.01a or animals used for fighting purposes pursuant
19 to Section 4.01, the animal control or animal shelter having
20 custody of the animal or animals may file a petition with the
21 court requesting that the person from whom the animal or
22 animals are seized, or the owner of the animal or animals, be
23 ordered to post security. The security must be in an amount
24 sufficient to secure payment of all reasonable expenses
25 expected to be incurred by the animal control or animal
26 shelter in caring for and providing for the animal or animals
27 pending the disposition of the charges. Reasonable expenses
28 include, but are not limited to, estimated medical care and
29 boarding of the animal or animals for 30 days. The amount of
30 the security shall be determined by the court after taking
31 into consideration all of the facts and circumstances of the
32 case, including, but not limited to, the recommendation of
33 the impounding organization having custody and care of the

1 seized animal or animals and the cost of caring for the
2 animal or animals. If security has been posted in accordance
3 with this Section, the animal control or animal shelter may
4 draw from the security the actual costs incurred by the
5 agency in caring for the seized animal or animals.

6 (b) Upon receipt of a petition, the court must set a
7 hearing on the petition, to be conducted within 5 business
8 days after the petition is filed. The petitioner must serve
9 a true copy of the petition upon the defendant and the
10 State's Attorney for the county in which the animal or
11 animals were seized. The petitioner must also serve a true
12 copy of the petition on any interested person. For the
13 purposes of this subsection, "interested person" means an
14 individual, partnership, firm, joint stock company,
15 corporation, association, trust, estate, or other legal
16 entity that the court determines may have a pecuniary
17 interest in the animal or animals that are the subject of the
18 petition. The court must set a hearing date to determine any
19 interested parties. The court may waive for good cause shown
20 the posting of security.

21 (c) If the court orders the posting of security, the
22 security must be posted with the clerk of the court within 5
23 business days after the hearing. If the person ordered to
24 post security does not do so, the animal or animals are
25 forfeited by operation of law and the animal control or
26 animal shelter having control of the animal or animals must
27 dispose of the animal or animals through adoption or must
28 humanely euthanize the animal. In no event may the defendant
29 or any person residing in the defendant's household adopt the
30 animal or animals.

31 (d) The impounding organization may file a petition with
32 the court upon the expiration of the 30-day period requesting
33 the posting of additional security. The court may order the
34 person from whom the animal or animals were seized, or the

1 owner of the animal or animals, to post additional security
2 with the clerk of the court to secure payment of reasonable
3 expenses for an additional period of time pending a
4 determination by the court of the charges against the person
5 from whom the animal or animals were seized.

6 (e) In no event may the security prevent the impounding
7 organization having custody and care of the animal or animals
8 from disposing of the animal or animals before the expiration
9 of the 30-day period covered by the security if the court
10 makes a final determination of the charges against the person
11 from whom the animal or animals were seized. Upon the
12 adjudication of the charges, the person who posted the
13 security is entitled to a refund of the security, in whole or
14 in part, for any expenses not incurred by the impounding
15 organization.

16 (f) Notwithstanding any other provision of this Section
17 to the contrary, the court may order a person charged with
18 any violation of this Act to provide necessary food, water,
19 shelter, and care for any animal or animals that are the
20 basis of the charge without the removal of the animal or
21 animals from their existing location and until the charges
22 against the person are adjudicated. Until a final
23 determination of the charges is made, any law enforcement
24 officer, animal control officer, Department investigator, or
25 an approved humane investigator may be authorized by an order
26 of the court to make regular visits to the place where the
27 animal or animals are being kept to ascertain if the animal
28 or animals are receiving necessary food, water, shelter, and
29 care. Nothing in this Section prevents any law enforcement
30 officer, Department investigator, or approved humane
31 investigator from applying for a warrant under this Section
32 to seize any animal or animals being held by the person
33 charged pending the adjudication of the charges if it is
34 determined that the animal or animals are not receiving the

1 necessary food, water, shelter, or care.

2 (g) Nothing in this Act shall be construed to prevent
3 the voluntary, permanent relinquishment of any animal by its
4 owner to an animal control or animal shelter in lieu of
5 posting security or proceeding to a forfeiture hearing.
6 Voluntary relinquishment shall have no effect on the criminal
7 charges that may be pursued by the appropriate authorities.

8 (h) If an owner of a companion animal is acquitted by
9 the court of charges made pursuant to this Act, the court
10 shall further order that any security that has been posted
11 for the animal shall be returned to the owner by the
12 impounding organization.

13 (i) The provisions of this Section only pertain to
14 companion animals and animals used for fighting purposes.

15 (510 ILCS 70/3.06 new)

16 Sec. 3.06. Disposition of seized companion animals and
17 animals used for fighting purposes.

18 (a) Upon the conviction of the person charged, all
19 animals seized, if not previously ordered forfeited or
20 previously forfeited by operation of law, are forfeited to
21 the facility impounding the animals and must be humanely
22 euthanized or adopted. Any outstanding costs incurred by the
23 impounding facility for boarding and treating the animals
24 pending the disposition of the case and any costs incurred in
25 disposing of the animals must be borne by the person
26 convicted.

27 (b) Any person authorized by this Section to care for an
28 animal or animals, to treat an animal or animals, or to
29 attempt to restore an animal or animals to good health and
30 who is acting in good faith is immune from any civil or
31 criminal liability that may result from his or her actions.

32 (c) The provisions of this Section only pertain to
33 companion animals and animals used for fighting purposes.

1 (510 ILCS 70/3.07 new)
 2 Sec. 3.07. Veterinarian reports; humane euthanasia. Any
 3 veterinarian in this State who observes or is presented with
 4 an animal or animals for the treatment of aggravated cruelty
 5 under Section 3.02 or torture under Section 3.03 of this Act
 6 must file a report with the Department and cooperate with the
 7 Department by furnishing the owner's name, the date of
 8 receipt of the animal or animals and any treatment
 9 administered, and a description of the animal or animals
 10 involved, including a microchip number if applicable. Any
 11 veterinarian who in good faith makes a report, as required by
 12 this Section, has immunity from any liability, civil,
 13 criminal, or otherwise, that may result from his or her
 14 actions. For the purposes of any proceedings, civil or
 15 criminal, the good faith of the veterinarian shall be
 16 presumed.

17 An animal control warden, animal control administrator,
 18 approved humane investigator, or animal shelter employee may
 19 humanely euthanize severely injured, diseased, or suffering
 20 animals in exigent circumstances.

21 (510 ILCS 70/4.01) (from Ch. 8, par. 704.01)

22 Sec. 4.01. Prohibitions.

23 (a) No person may own, capture, breed, train, or lease
 24 any animal which he or she knows or should know is intended
 25 for use in any show, exhibition, program, or other activity
 26 featuring or otherwise involving a fight between such animal
 27 and any other animal or human, or the intentional killing of
 28 any animal for the purpose of sport, wagering, or
 29 entertainment.

30 (b) No person shall promote, conduct, carry on,
 31 advertise, collect money for or in any other manner assist
 32 or aid in the presentation for purposes of sport, wagering,
 33 or entertainment, any show, exhibition, program, or other

1 activity involving a fight between 2 or more animals or any
2 animal and human, or the intentional killing of any animal.

3 (c) No person shall sell or offer for sale, ship,
4 transport, or otherwise move, or deliver or receive any
5 animal which he or she knows or should know has been
6 captured, bred, or trained, or will be used, to fight another
7 animal or human or be intentionally killed, for the purpose
8 of sport, wagering, or entertainment.

9 (d) No person shall manufacture for sale, shipment,
10 transportation or delivery any device or equipment which that
11 person knows or should know is intended for use in any show,
12 exhibition, program, or other activity featuring or otherwise
13 involving a fight between 2 or more animals, or any human and
14 animal, or the intentional killing of any animal for purposes
15 of sport, wagering or entertainment.

16 (e) No person shall own, possess, sell or offer for
17 sale, ship, transport, or otherwise move any equipment or
18 device which such person knows or should know is intended for
19 use in connection with any show, exhibition, program, or
20 activity featuring or otherwise involving a fight between 2
21 or more animals, or any animal and human, or the intentional
22 killing of any animal for purposes of sport, wagering or
23 entertainment.

24 (f) No person shall make available any site, structure,
25 or facility, whether enclosed or not, which he or she knows
26 or should know is intended to be used for the purpose of
27 conducting any show, exhibition, program, or other activity
28 involving a fight between 2 or more animals, or any animal
29 and human, or the intentional killing of any animal.

30 (g) No person shall attend or otherwise patronize any
31 show, exhibition, program, or other activity featuring or
32 otherwise involving a fight between 2 or more animals, or any
33 animal and human, or the intentional killing of any animal
34 for the purposes of sport, wagering or entertainment.

1 (h) No person shall tie or attach or fasten any live
2 animal to any machine or device propelled by any power for
3 the purpose of causing such animal to be pursued by a dog or
4 dogs. This subsection (h) shall apply only when such dog is
5 intended to be used in a dog fight.

6 (i) Any animals or equipment involved in a violation of
7 this Section shall be immediately seized and impounded under
8 Section 12 by the Department when located at any show,
9 exhibition, program, or other activity featuring or otherwise
10 involving an animal fight for the purposes of sport,
11 wagering, or entertainment.

12 (j) Any vehicle or conveyance other than a common
13 carrier that is used in violation of this Section shall be
14 seized, held, and offered for sale at public auction by the
15 sheriff's department of the proper jurisdiction, and the
16 proceeds from the sale shall be remitted to the general fund
17 of the county where the violation took place.

18 (k) Any veterinarian in this State who is presented with
19 an animal for treatment of injuries or wounds resulting from
20 fighting where there is a reasonable possibility that the
21 animal was engaged in or utilized for a fighting event for
22 the purposes of sport, wagering, or entertainment shall file
23 a report with the Department and cooperate by furnishing the
24 owners' names, dates, and descriptions of the animal or
25 animals involved. Any veterinarian who in good faith complies
26 with the requirements of this subsection has immunity from
27 any liability, civil, criminal, or otherwise, that may result
28 from his or her actions. For the purposes of any
29 proceedings, civil or criminal, the good faith of the
30 veterinarian shall be rebuttably presumed.

31 (l) No person shall conspire or solicit a minor to
32 violate this Section.

33 (Source: P.A. 87-819.)

1 (510 ILCS 70/4.02) (from Ch. 8, par. 704.02)

2 Sec. 4.02. Arrests; reports.

3 (a) Any law enforcement officer making an arrest for an
4 offense involving one or more dogs under Section 4.01 of this
5 Act shall lawfully take possession of all dogs and all
6 paraphernalia, implements, or other property or things used
7 or employed, or about to be employed, in the violation of any
8 of the provisions of Section 4.01 of this Act. When a law
9 enforcement officer has taken ~~Sueh--offieer,-after-taking~~
10 possession of such dogs, paraphernalia, implements or other
11 property or things, he or she shall file with the court
12 before whom the complaint is made against any person so
13 arrested an affidavit stating therein the name of the person
14 charged in the ~~sueh~~ complaint, a description of the property
15 so taken and the time and place of the taking thereof
16 together with the name of the person from whom the same was
17 taken and name of the person who claims to own such property,
18 if different from the person from whom the dogs were seized
19 and if known, and that the affiant has reason to believe and
20 does believe, stating the ground of the ~~sueh~~ belief, that the
21 dogs and property so taken were was used or employed, or were
22 was about to be used or employed, in a ~~sueh~~ violation of
23 Section 4.01 of this Act. He or she shall thereupon deliver
24 an inventory of the property so taken to the court of
25 competent jurisdiction. A law enforcement officer may
26 humanely euthanize dogs that are severely injured.

27 An owner whose dogs are removed for a violation of
28 Section 4.01 of this Act must be given written notice of the
29 circumstances of the removal and of any legal remedies
30 available to him or her. The notice must be posted at the
31 place of seizure or delivered to a person residing at the
32 place of seizure or, if the address of the owner is different
33 from the address of the person from whom the dogs were
34 seized, delivered by registered mail to his or her last known

1 address.

2 The animal control or animal shelter having custody of
3 the dogs may file a petition with the court requesting that
4 the person from whom the dogs were seized or the owner of the
5 dogs be ordered to post security pursuant to Section 3.05 of
6 this Act, which shall, by order, place the same in custody of
7 an officer or other proper person named and designated in
8 such order, to be kept by him until the conviction or final
9 discharge of such person complained against, and shall send a
10 copy of such order without delay to the State's attorney of
11 the county and the Department. The officer or person so
12 named and designated in such order shall immediately
13 thereupon assume the custody of such property and shall
14 retain the same, subject to the order of the court before
15 which such person so complained against may be required to
16 appear for trial.

17 Upon the conviction of the person so charged, all dogs
18 shall be adopted or humanely euthanized and property so
19 seized shall be adjudged by the court to be forfeited. Any
20 outstanding costs incurred by the impounding facility in
21 boarding and treating the dogs pending the disposition of the
22 case and disposing of the dogs upon a conviction must be
23 borne by the person convicted and shall thereupon be
24 destroyed or otherwise disposed of as the court may order.
25 In no event may the dogs be adopted by the defendant or
26 anyone residing in his or her household. If the court finds
27 that the State either failed to prove the criminal
28 allegations or that the dogs were used in fighting, the court
29 must direct the delivery of the dogs and the other property
30 not previously forfeited to the owner of the dogs and
31 property.

32 Any person authorized by this Section to care for a dog,
33 to treat a dog, or to attempt to restore a dog to good health
34 and who is acting in good faith is immune from any civil or

1 criminal liability that may result from his or her actions.

2 An animal control warden, animal control administrator,
3 animal shelter employee, or approved humane investigator may
4 humanely euthanize severely injured, diseased, or suffering
5 dog in exigent circumstances ~~In-the-event-of-the-acquittal-or~~
6 ~~final--discharge--without-conviction-of-the-person-so-charged~~
7 ~~such-court-shall--on-demand--direct--the--delivery--of--such~~
8 ~~property-so-held-in-custody-to-the-owner-thereof.~~

9 (b) Any veterinarian in this State who is presented with
10 an animal for treatment of injuries or wounds resulting from
11 fighting where there is a reasonable possibility that the
12 animal was engaged in or utilized for a fighting event shall
13 file a report with the Department and cooperate by furnishing
14 the owners' names, date of receipt of the animal or animals
15 and treatment administered, dates and descriptions of the
16 animal or animals involved. Any veterinarian who in good
17 faith makes a report, as required by this subsection (b), is
18 immune ~~shall--have--immunity~~ from any liability, civil,
19 criminal, or that otherwise, resulting from his or her might
20 ~~result-by-reason-of-such~~ actions. For the purposes of any
21 proceedings, civil or criminal, the good faith of any such
22 veterinarian shall be presumed.

23 (Source: P.A. 84-723.)

24 (510 ILCS 70/4.03) (from Ch. 8, par. 704.03)

25 Sec. 4.03. Teasing, striking or tampering with police
26 animals, service animals, or search and rescue dogs
27 prohibited. It shall be unlawful for any person to willfully
28 and maliciously taunt, torment, tease, beat, strike, or
29 administer or subject any desensitizing drugs, chemicals or
30 substance to (i) any animal used by a law enforcement officer
31 in the performance of his or her functions or duties, or when
32 placed in confinement off duty, (ii) any service animal,
33 (iii) any search and rescue dog, or (iv) any police, service,

1 or search and rescue animal in training. It is unlawful for
 2 any person to~~or to~~ interfere or meddle with (i) any such
 3 animal used by a law enforcement department or agency or any
 4 handler thereof in the performance of the functions or duties
 5 of the department or agency, (ii) any service animal, (iii)
 6 any search and rescue dog, or (iv) any law enforcement,
 7 service, or search and rescue animal in training.

8 (Source: P.A. 90-80, eff. 7-10-97.)

9 (510 ILCS 70/4.04) (from Ch. 8, par. 704.04)

10 Sec. 4.04. Injuring or killing police animals, service
 11 animals, or search and rescue dogs prohibited. It shall be
 12 unlawful for any person to willfully or maliciously torture,
 13 mutilate, injure, disable, poison, or kill (i) any animal
 14 used by a law enforcement department or agency in the
 15 performance of the functions or duties of the department or
 16 agency or when placed in confinement off duty, (ii) any
 17 service animal, (iii) any search and rescue dog, or (iv) any
 18 law enforcement, service, or search and rescue animal in
 19 training. However, a police officer or veterinarian may
 20 perform euthanasia in emergency situations when delay would
 21 cause the animal undue suffering and pain.

22 (Source: P.A. 90-80, eff. 7-10-97; 91-357, eff. 7-29-99.)

23 (510 ILCS 70/10) (from Ch. 8, par. 710)

24 Sec. 10. Investigation of complaints.

25 (a) Upon receiving a complaint of a suspected violation
 26 of this Act, a Department investigator, any law enforcement
 27 official, or an approved humane investigator may, for the
 28 purpose of investigating the allegations of the complaint,
 29 enter during normal business hours upon any premises where
 30 the animal or animals described in the complaint are housed
 31 or kept, provided such entry shall not be made into any
 32 building which is a person's residence, except by search

1 warrant or court order. Institutions operating under federal
2 license to conduct laboratory experimentation utilizing
3 animals for research or medical purposes are, however, exempt
4 from the provisions of this Section. State's Attorneys and
5 law enforcement officials shall provide such assistance as
6 may be required in the conduct of such investigations. Any
7 such investigation requiring legal procedures shall be
8 immediately reported to the Department. No employee or
9 representative of the Department shall enter a livestock
10 management facility unless sanitized footwear is used, or
11 unless the owner or operator of the facility waives this
12 requirement. The employee or representative must also use
13 any other reasonable disease prevention procedures or
14 equipment provided by the owner or operator of the facility.
15 The animal control administrator and animal control wardens
16 appointed under the Animal Control Act shall be authorized to
17 make investigations complying with this Section for alleged
18 violations of Sections 3, and 3.01, 3.02, and 3.03 pertaining
19 to small companion animals. ~~If--impoundments--are-made-by~~
20 ~~wardens,-public-pounds-operated-by-a-political--entity--shall~~
21 ~~be--utilized.~~ The animals impounded shall remain under the
22 jurisdiction of the animal control administrator and be held
23 in an animal shelter pound licensed under the Animal Welfare
24 Act. ~~All-litigation,-appeal,-and-disposition-of-the--animals~~
25 ~~so--held--will--remain-with-the-governmental-agency-operating~~
26 ~~the-facility.~~

27 (b) Any veterinarian acting in good faith is immune from
28 any civil or criminal liability resulting from his or her
29 actions under this Section. The good faith on the part of the
30 veterinarian is presumed.

31 (Source: P.A. 87-157.)

32 (510 ILCS 70/12) (from Ch. 8, par. 712)

33 Sec. 12. Impounding animals; notice of impoundment.

1 (a) When an approved humane investigator, a Department
2 investigator or a veterinarian finds that a violation of this
3 Act has rendered an animal in such a condition that no remedy
4 or corrective action by the owner is possible ~~or the violator~~
5 ~~fails or refuses to take corrective action necessary for~~
6 ~~compliance pursuant to Section 11 of this Act~~, the Department
7 must may impound or order the impoundment of the animal. If
8 the violator fails or refuses to take corrective action
9 necessary for compliance with Section 11 of this Act, the
10 Department may impound the animal. If the animal is ordered
11 impounded, it shall be impounded in a facility or at another
12 location where ~~which will provide~~ the elements of good care
13 as set forth in Section 3 of this Act can be provided, and
14 where such animals shall be examined and treated by a
15 licensed veterinarian or, if the animal is severely injured,
16 diseased, or suffering, humanely euthanized. Any expense
17 incurred in the impoundment shall become a lien on the
18 animals.

19 **(b)** Emergency impoundment may be exercised in a
20 life-threatening situation and the subject animals shall be
21 conveyed directly to a licensed veterinarian for medical
22 services necessary to sustain life or to be humanely
23 euthanized as determined by the veterinarian. If such
24 emergency procedure is taken by an animal control officer,
25 the Department shall be notified.

26 **(c)** ~~(b)~~ A notice of impoundment shall be given by the
27 investigator to the violator, if known, in person or sent by
28 certified or registered mail. If the investigator is not
29 able to serve the violator in person or by registered or
30 certified mail, the notice may be given by publication in a
31 newspaper of general circulation in the county in which the
32 violator's last known address is located. A copy of the
33 notice shall be retained by the investigator and a copy
34 forwarded immediately to the Department. The notice of

1 impoundment shall include the following:

2 (1) A number assigned by the Department which will
3 also be given to the impounding facility accepting the
4 responsibility of the animal or animals.

5 (2) Listing of deficiencies noted.

6 (3) An accurate description of the animal or
7 animals involved.

8 (4) Date on which the animal or animals were
9 impounded.

10 (5) Signature of the investigator.

11 (6) A statement that: "The violator may request a
12 hearing to appeal the impoundment. A person desiring a
13 hearing shall contact the Department of Agriculture
14 within 7 days from the date of impoundment" and the
15 Department must ~~will~~ hold an administrative hearing
16 within 7 business days after receiving a request to
17 appeal the impoundment. If the hearing cannot be held
18 prior to the expiration of the 7-day impoundment period,
19 the Department shall notify the impounding facility that
20 it cannot sell, offer for adoption, or dispose of the
21 animal or animals until a final decision is rendered and
22 all of the appeal processes have expired.

23 If a hearing is requested by any owner of impounded
24 animals, the Hearing Officer shall, ~~have-the-authority~~ after
25 hearing the testimony of all interested affected parties, to
26 render a decision within 5 business days regarding ~~as-to~~ the
27 disposition of the impounded animals. This decision by the
28 Hearing Officer shall have no effect on the criminal charges
29 that may be filed with the appropriate authorities.

30 If an owner of a companion animal or animal used for
31 fighting purposes requests a hearing, the animal control or
32 animal shelter having control of the animal or animals may
33 file a petition with the court in the county where the
34 impoundment took place requesting that the person from whom

1 the animal or animals were seized or the owner of the animal
 2 or animals be ordered to post security pursuant to
 3 subsections (a) and (b) of Section 3.05 of this Act.

4 If the court orders the posting of security, the security
 5 must be posted with the clerk of the court within 5 business
 6 days after the hearing. If the person ordered to post
 7 security does not do so, the court must order the Department
 8 of Agriculture to hold a hearing on the impoundment within 5
 9 business days. If, upon final administrative or judicial
 10 determination, it is found that it is not in the best
 11 interest of the animal or animals to be returned to the
 12 person from whom it was seized, the animal or animals are
 13 forfeited to the animal control or animal shelter having
 14 control of the animal or animals. If no petition for the
 15 posting of security is filed or a petition was filed and
 16 granted but the person failed to post security, any expense
 17 incurred in the impoundment shall remain outstanding until
 18 satisfied by the owner or the person from whom the animal or
 19 animals were impounded.

20 ~~Any expense incurred in such impoundment becomes a lien~~
 21 ~~on the animal impounded and must be discharged before the~~
 22 ~~animal is released from the facility. When the impoundment is~~
 23 ~~not appealed, the animal or animals are forfeited and the~~
 24 ~~animal control or animal shelter in charge of the animal or~~
 25 ~~animals may lawfully and without liability provide for~~
 26 ~~adoption of the animal or animals by a person other than the~~
 27 ~~person who forfeited the animal or animals, or any person or~~
 28 ~~persons dwelling in the same household as the person who~~
 29 ~~forfeited the animal or animals, or it may humanely euthanize~~
 30 ~~the animal or animals. the animal is not claimed by its owner~~
 31 ~~and all impoundment costs satisfied within 7 days, it may be~~
 32 ~~sold at public or private sale for fair consideration to a~~
 33 ~~person capable of providing care consistent with this Act,~~
 34 ~~with the proceeds of that sale applied first to discharge the~~

1 lien-and-any-balance-to-be-paid-over--to--the--owner.--If--no
 2 purchaser-is-found,-the-animal-may-be-offered-for-adoption-or
 3 disposed--of--in--a--manner-not-inconsistent-with-this-or-any
 4 other-Act.

5 (Source: P.A. 88-600, eff. 9-1-94.)

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 B 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
 32 a Class C misdemeanor.

33 (c)(1) This subsection (c) applies exclusively

1 where the only animals involved in the violation are
2 dogs.

3 (2) Any person convicted of violating subsection
4 (a), (b) or (c) of Section 4.01 of this Act or any rule,
5 regulation or order of the Department pursuant thereto is
6 guilty of a Class 4 felony and may be fined an amount not
7 to exceed \$50,000.

8 (3) Any person convicted of violating subsection
9 (d), (e) or (f) of Section 4.01 of this Act or any rule,
10 regulation or order of the Department pursuant thereto is
11 guilty of Class A misdemeanor, ~~if such person knew or~~
12 ~~should have known that the device or equipment under~~
13 ~~subsection (d) or (e) of that Section or the site,~~
14 ~~structure or facility under subsection (f) of that~~
15 ~~Section was to be used to carry out a violation where the~~
16 ~~only animals involved were dogs. Where such person did~~
17 ~~not know or should not reasonably have been expected to~~
18 ~~know that the only animals involved in the violation were~~
19 ~~dogs, the penalty shall be same as that provided for in~~
20 ~~paragraph (4) of subsection (b).~~

21 (4) Any person convicted of violating subsection
22 (g) of Section 4.01 of this Act or any rule, regulation
23 or order of the Department pursuant thereto is guilty of
24 a Class C misdemeanor.

25 (5) A second or subsequent violation of subsection
26 (a), (b) or (c) of Section 4.01 of this Act or any rule,
27 regulation or order of the Department pursuant thereto is
28 a Class 3 felony. A second or subsequent violation of
29 subsection (d), (e) or (f) of Section 4.01 of this Act or
30 any rule, regulation or order of the Department adopted
31 pursuant thereto is a Class 3 felony, if in each
32 violation the person knew or should have known that the
33 device or equipment under subsection (d) or (e) of that
34 Section or the site, structure or facility under

1 subsection (f) of that Section was to be used to carry
 2 out a violation where the only animals involved were
 3 dogs. Where such person did not know or should not
 4 reasonably have been expected to know that the only
 5 animals involved in the violation were dogs, a second or
 6 subsequent violation of subsection (d), (e) or (f) of
 7 Section 4.01 of this Act or any rule, regulation or order
 8 of the Department adopted pursuant thereto is a Class A
 9 misdemeanor. A second or subsequent violation of
 10 subsection (g) is a Class B misdemeanor.

11 (6) Any person convicted of violating Section 3.01
 12 of this Act is guilty of a Class A E misdemeanor. A
 13 second or subsequent conviction for a violation of
 14 Section 3.01 is a Class 4 felony B-misdemeanor.--A-third
 15 ~~or-subsequent-conviction-for-a-violation-of-Section--3.01~~
 16 ~~is-a-Class-A-misdemeanor.~~

17 (7) Any person convicted of violating Section 4.03
 18 is guilty of a Class A B misdemeanor. A second or
 19 subsequent violation is a Class 4 felony.

20 (8) Any person convicted of violating Section 4.04
 21 is guilty of a Class A misdemeanor where the animal is
 22 not killed or totally disabled, but if the animal is
 23 killed or totally disabled such person shall be guilty of
 24 a Class 4 felony.

25 (8.5) A person convicted of violating subsection
 26 (a) of Section 7.15 is guilty of a Class A B misdemeanor.
 27 A person convicted of violating subsection (b) or (c) of
 28 Section 7.15 is (i) guilty of a Class A misdemeanor if
 29 the dog is not killed or totally disabled and (ii) if the
 30 dog is killed or totally disabled, guilty of a Class 4
 31 felony and may be ordered by the court to make
 32 restitution to the disabled person having custody or
 33 ownership of the dog for veterinary bills and replacement
 34 costs of the dog. A second or subsequent violation is a

1 Class 4 felony.

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

9 (d) Any person convicted of violating Section 7.1 is
10 guilty of a Class C misdemeanor petty-offense. A second or
11 subsequent conviction for a violation of Section 7.1 is a
12 Class B E misdemeanor.

13 (e) Any person convicted of violating Section 3.02 is
14 guilty of a Class 4 felony A--misdemeanor. A second or
15 subsequent violation is a Class 3 4 felony.

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

18 (g) Any person convicted of violating Section 3.03 is
19 guilty of a Class 3 4 felony. ~~A-second-or-subsequent-offense~~
20 ~~is-a-Class-3-felony.~~ As a condition of the sentence imposed
21 under this Section, the court shall order the offender to
22 undergo a psychological or psychiatric evaluation and to
23 undergo treatment that the court determines to be appropriate
24 after due consideration of the evaluation.

25 (h) In addition to any other penalty provided by law,
26 upon a conviction for violating Sections 3, 3.01, 3.02, or
27 3.03 the court may order the convicted person to undergo a
28 psychological or psychiatric evaluation and to undergo any
29 treatment at the convicted person's expense that the court
30 determines to be appropriate after due consideration of the
31 evaluation. If the convicted person is a juvenile or a
32 companion animal hoarder, the court must order the convicted
33 person to undergo a psychological or psychiatric evaluation
34 and to undergo treatment that the court determines to be

1 appropriate after due consideration of the evaluation.

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

20 (Source: P.A. 90-14, eff. 7-1-97; 90-80, eff. 7-10-97;
21 91-291, eff. 1-1-00; 91-351, eff. 7-29-99; 91-357, eff.
22 7-29-99; revised 8-30-99.)

23 (510 ILCS 70/16.1 new)

24 Sec. 16.1. Defenses. It is not a defense to violations
25 of this Act for the person committing the violation to assert
26 that he or she had rights of ownership in the animal that was
27 the victim of the violation.

28 (510 ILCS 70/16.2 new)

29 Sec. 16.2. Corporations. Corporations may be charged
30 with violations of this Act for the acts of their employees
31 or agents who violate this Act in the course of their
32 employment or agency.

1 (510 ILCS 70/16.3 new)

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

21 The remedies provided in this Section are in addition to
22 any other remedies allowed by law.

23 In an action under this Section, the court may enter any
24 injunctive orders reasonably necessary to protect animals
25 from any further acts of abuse, neglect, or harassment by a
26 defendant.

27 The statute of limitations for cruelty to animals is 2
28 years.

29 (510 ILCS 70/16.4 new)

30 Sec. 16.4. Illinois Animal Abuse Fund. The Illinois
31 Animal Abuse Fund is created as a special fund in the State
32 treasury. Moneys in the Fund may be used, subject to
33 appropriation, by the Department of Agriculture to

1 investigate animal abuse and neglect under this Act.

2 Section 10. The Clerks of Courts Act is amended by
3 changing Sections 27.5 and 27.6 as follows:

4 (705 ILCS 105/27.5) (from Ch. 25, par. 27.5)

5 Sec. 27.5. (a) All fees, fines, costs, additional
6 penalties, bail balances assessed or forfeited, and any other
7 amount paid by a person to the circuit clerk that equals an
8 amount less than \$55, except restitution under Section 5-5-6
9 of the Unified Code of Corrections, reimbursement for the
10 costs of an emergency response as provided under Section
11 5-5-3 of the Unified Code of Corrections, any fees collected
12 for attending a traffic safety program under paragraph (c) of
13 Supreme Court Rule 529, any fee collected on behalf of a
14 State's Attorney under Section 4-2002 of the Counties Code or
15 a sheriff under Section 4-5001 of the Counties Code, or any
16 cost imposed under Section 124A-5 of the Code of Criminal
17 Procedure of 1963, for convictions, orders of supervision, or
18 any other disposition for a violation of Chapters 3, 4, 6,
19 11, and 12 of the Illinois Vehicle Code, or a similar
20 provision of a local ordinance, and any violation of the
21 Child Passenger Protection Act, or a similar provision of a
22 local ordinance, and except as provided in subsection (b)
23 shall be disbursed within 60 days after receipt by the
24 circuit clerk as follows: 47% shall be disbursed to the
25 entity authorized by law to receive the fine imposed in the
26 case; 12% shall be disbursed to the State Treasurer; and 41%
27 shall be disbursed to the county's general corporate fund. Of
28 the 12% disbursed to the State Treasurer, 1/6 shall be
29 deposited by the State Treasurer into the Violent Crime
30 Victims Assistance Fund, 1/2 shall be deposited into the
31 Traffic and Criminal Conviction Surcharge Fund, and 1/3 shall
32 be deposited into the Drivers Education Fund. For fiscal

1 years 1992 and 1993, amounts deposited into the Violent Crime
2 Victims Assistance Fund, the Traffic and Criminal Conviction
3 Surcharge Fund, or the Drivers Education Fund shall not
4 exceed 110% of the amounts deposited into those funds in
5 fiscal year 1991. Any amount that exceeds the 110% limit
6 shall be distributed as follows: 50% shall be disbursed to
7 the county's general corporate fund and 50% shall be
8 disbursed to the entity authorized by law to receive the fine
9 imposed in the case. Not later than March 1 of each year the
10 circuit clerk shall submit a report of the amount of funds
11 remitted to the State Treasurer under this Section during the
12 preceding year based upon independent verification of fines
13 and fees. All counties shall be subject to this Section,
14 except that counties with a population under 2,000,000 may,
15 by ordinance, elect not to be subject to this Section. For
16 offenses subject to this Section, judges shall impose one
17 total sum of money payable for violations. The circuit clerk
18 may add on no additional amounts except for amounts that are
19 required by Sections 27.3a and 27.3c of this Act, unless
20 those amounts are specifically waived by the judge. With
21 respect to money collected by the circuit clerk as a result
22 of forfeiture of bail, ex parte judgment or guilty plea
23 pursuant to Supreme Court Rule 529, the circuit clerk shall
24 first deduct and pay amounts required by Sections 27.3a and
25 27.3c of this Act. This Section is a denial and limitation of
26 home rule powers and functions under subsection (h) of
27 Section 6 of Article VII of the Illinois Constitution.

28 (b) The following amounts must be remitted to the State
29 Treasurer for deposit into the Illinois Animal Abuse Fund:

30 (1) 50% of amounts collected for Class 4 felonies
31 under subsection (a), paragraph (4) of subsection (b),
32 and paragraphs (6), (7), (8.5), and (9) of subsection (c)
33 of Section 16 of the Humane Care for Animals Act and
34 Class 3 felonies under paragraph (5) of subsection (c) of

1 Section 16 of that Act.

2 (2) 20% of amounts collected for Class A
3 misdemeanors under subsection (a), paragraph (4) of
4 subsection (b), and paragraphs (6) and (7) of subsection
5 (c) of Section 16 of the Humane Care for Animals Act and
6 Class B misdemeanors under paragraph (9) of subsection
7 (c) of Section 16 of that Act.

8 (3) 20% of amounts collected for Class B
9 misdemeanors under subsection (d) of Section 16 of the
10 Humane Care for Animals Act.

11 (4) 50% of amounts collected for Class C
12 misdemeanors under subsection (d) of Section 16 of the
13 Humane Care for Animals Act.

14 (Source: P.A. 89-234, eff. 1-1-96.)

15 (705 ILCS 105/27.6)

16 Sec. 27.6. (a) All fees, fines, costs, additional
17 penalties, bail balances assessed or forfeited, and any other
18 amount paid by a person to the circuit clerk equalling an
19 amount of \$55 or more, except the additional fee required by
20 subsections (b) and (c), restitution under Section 5-5-6 of
21 the Unified Code of Corrections, reimbursement for the costs
22 of an emergency response as provided under Section 5-5-3 of
23 the Unified Code of Corrections, any fees collected for
24 attending a traffic safety program under paragraph (c) of
25 Supreme Court Rule 529, any fee collected on behalf of a
26 State's Attorney under Section 4-2002 of the Counties Code or
27 a sheriff under Section 4-5001 of the Counties Code, or any
28 cost imposed under Section 124A-5 of the Code of Criminal
29 Procedure of 1963, for convictions, orders of supervision, or
30 any other disposition for a violation of Chapters 3, 4, 6,
31 11, and 12 of the Illinois Vehicle Code, or a similar
32 provision of a local ordinance, and any violation of the
33 Child Passenger Protection Act, or a similar provision of a

1 local ordinance, and except as provided in subsection (d)
2 shall be disbursed within 60 days after receipt by the
3 circuit clerk as follows: 44.5% shall be disbursed to the
4 entity authorized by law to receive the fine imposed in the
5 case; 16.825% shall be disbursed to the State Treasurer; and
6 38.675% shall be disbursed to the county's general corporate
7 fund. Of the 16.825% disbursed to the State Treasurer, 2/17
8 shall be deposited by the State Treasurer into the Violent
9 Crime Victims Assistance Fund, 5.052/17 shall be deposited
10 into the Traffic and Criminal Conviction Surcharge Fund, 3/17
11 shall be deposited into the Drivers Education Fund, and
12 6.948/17 shall be deposited into the Trauma Center Fund. Of
13 the 6.948/17 deposited into the Trauma Center Fund from the
14 16.825% disbursed to the State Treasurer, 50% shall be
15 disbursed to the Department of Public Health and 50% shall be
16 disbursed to the Department of Public Aid. For fiscal year
17 1993, amounts deposited into the Violent Crime Victims
18 Assistance Fund, the Traffic and Criminal Conviction
19 Surcharge Fund, or the Drivers Education Fund shall not
20 exceed 110% of the amounts deposited into those funds in
21 fiscal year 1991. Any amount that exceeds the 110% limit
22 shall be distributed as follows: 50% shall be disbursed to
23 the county's general corporate fund and 50% shall be
24 disbursed to the entity authorized by law to receive the fine
25 imposed in the case. Not later than March 1 of each year the
26 circuit clerk shall submit a report of the amount of funds
27 remitted to the State Treasurer under this Section during the
28 preceding year based upon independent verification of fines
29 and fees. All counties shall be subject to this Section,
30 except that counties with a population under 2,000,000 may,
31 by ordinance, elect not to be subject to this Section. For
32 offenses subject to this Section, judges shall impose one
33 total sum of money payable for violations. The circuit clerk
34 may add on no additional amounts except for amounts that are

1 required by Sections 27.3a and 27.3c of this Act, unless
2 those amounts are specifically waived by the judge. With
3 respect to money collected by the circuit clerk as a result
4 of forfeiture of bail, ex parte judgment or guilty plea
5 pursuant to Supreme Court Rule 529, the circuit clerk shall
6 first deduct and pay amounts required by Sections 27.3a and
7 27.3c of this Act. This Section is a denial and limitation of
8 home rule powers and functions under subsection (h) of
9 Section 6 of Article VII of the Illinois Constitution.

10 (b) In addition to any other fines and court costs
11 assessed by the courts, any person convicted or receiving an
12 order of supervision for driving under the influence of
13 alcohol or drugs shall pay an additional fee of \$25 to the
14 clerk of the circuit court. This amount, less 2 1/2% that
15 shall be used to defray administrative costs incurred by the
16 clerk, shall be remitted by the clerk to the Treasurer within
17 60 days after receipt for deposit into the Trauma Center
18 Fund. This additional fee of \$25 shall not be considered a
19 part of the fine for purposes of any reduction in the fine
20 for time served either before or after sentencing. Not later
21 than March 1 of each year the Circuit Clerk shall submit a
22 report of the amount of funds remitted to the State Treasurer
23 under this subsection during the preceding calendar year.

24 (c) In addition to any other fines and court costs
25 assessed by the courts, any person convicted for a violation
26 of Sections 24-1.1, 24-1.2, or 24-1.5 of the Criminal Code of
27 1961 or a person sentenced for a violation of the Cannabis
28 Control Act or the Controlled Substance Act shall pay an
29 additional fee of \$100 to the clerk of the circuit court.
30 This amount, less 2 1/2% that shall be used to defray
31 administrative costs incurred by the clerk, shall be remitted
32 by the clerk to the Treasurer within 60 days after receipt
33 for deposit into the Trauma Center Fund. This additional fee
34 of \$100 shall not be considered a part of the fine for

1 purposes of any reduction in the fine for time served either
2 before or after sentencing. Not later than March 1 of each
3 year the Circuit Clerk shall submit a report of the amount of
4 funds remitted to the State Treasurer under this subsection
5 during the preceding calendar year.

6 (d) The following amounts must be remitted to the State
7 Treasurer for deposit into the Illinois Animal Abuse Fund:

8 (1) 50% of amounts collected for Class 4 felonies
9 under subsection (a), paragraph (4) of subsection (b),
10 and paragraphs (6), (7), (8.5), and (9) of subsection (c)
11 of Section 16 of the Humane Care for Animals Act and
12 Class 3 felonies under paragraph (5) of subsection (c) of
13 Section 16 of that Act.

14 (2) 20% of amounts collected for Class A
15 misdemeanors under subsection (a), paragraph (4) of
16 subsection (b), and paragraphs (6) and (7) of subsection
17 (c) of Section 16 of the Humane Care for Animals Act and
18 Class B misdemeanors under paragraph (9) of subsection
19 (c) of Section 16 of that Act.

20 (3) 20% of amounts collected for Class B
21 misdemeanors under subsection (d) of Section 16 of the
22 Humane Care for Animals Act.

23 (4) 50% of amounts collected for Class C
24 misdemeanors under subsection (d) of Section 16 of the
25 Humane Care for Animals Act.

26 (Source: P.A. 89-105, eff. 1-1-96; 89-234, eff. 1-1-96;
27 89-516, eff. 7-18-96; 89-626, eff. 8-9-96.)

28 Section 15. The Juvenile Court Act of 1987 is amended by
29 changing Sections 5-615, 5-710, and 5-715 as follows:

30 (705 ILCS 405/5-615)

31 Sec. 5-615. Continuance under supervision.

32 (1) The court may enter an order of continuance under

1 supervision for an offense other than first degree murder, a
2 Class X felony or a forcible felony (a) upon an admission or
3 stipulation by the appropriate respondent or minor respondent
4 of the facts supporting the petition and before proceeding to
5 adjudication, or after hearing the evidence at the trial, and
6 (b) in the absence of objection made in open court by the
7 minor, his or her parent, guardian, or legal custodian, the
8 minor's attorney or the State's Attorney.

9 (2) If the minor, his or her parent, guardian, or legal
10 custodian, the minor's attorney or State's Attorney objects
11 in open court to any continuance and insists upon proceeding
12 to findings and adjudication, the court shall so proceed.

13 (3) Nothing in this Section limits the power of the
14 court to order a continuance of the hearing for the
15 production of additional evidence or for any other proper
16 reason.

17 (4) When a hearing where a minor is alleged to be a
18 delinquent is continued pursuant to this Section, the period
19 of continuance under supervision may not exceed 24 months.
20 The court may terminate a continuance under supervision at
21 any time if warranted by the conduct of the minor and the
22 ends of justice.

23 (5) When a hearing where a minor is alleged to be
24 delinquent is continued pursuant to this Section, the court
25 may, as conditions of the continuance under supervision,
26 require the minor to do any of the following:

27 (a) not violate any criminal statute of any
28 jurisdiction;

29 (b) make a report to and appear in person before
30 any person or agency as directed by the court;

31 (c) work or pursue a course of study or vocational
32 training;

33 (d) undergo medical or psychotherapeutic treatment
34 rendered by a therapist licensed under the provisions of

1 the Medical Practice Act of 1987, the Clinical
2 Psychologist Licensing Act, or the Clinical Social Work
3 and Social Work Practice Act, or an entity licensed by
4 the Department of Human Services as a successor to the
5 Department of Alcoholism and Substance Abuse, for the
6 provision of drug addiction and alcoholism treatment;

7 (e) attend or reside in a facility established for
8 the instruction or residence of persons on probation;

9 (f) support his or her dependents, if any;

10 (g) pay costs;

11 (h) refrain from possessing a firearm or other
12 dangerous weapon, or an automobile;

13 (i) permit the probation officer to visit him or
14 her at his or her home or elsewhere;

15 (j) reside with his or her parents or in a foster
16 home;

17 (k) attend school;

18 (l) attend a non-residential program for youth;

19 (m) contribute to his or her own support at home or
20 in a foster home;

21 (n) perform some reasonable public or community
22 service;

23 (o) make restitution to the victim, in the same
24 manner and under the same conditions as provided in
25 subsection (4) of Section 5-710, except that the
26 "sentencing hearing" referred to in that Section shall be
27 the adjudicatory hearing for purposes of this Section;

28 (p) comply with curfew requirements as designated
29 by the court;

30 (q) refrain from entering into a designated
31 geographic area except upon terms as the court finds
32 appropriate. The terms may include consideration of the
33 purpose of the entry, the time of day, other persons
34 accompanying the minor, and advance approval by a

1 probation officer;

2 (r) refrain from having any contact, directly or
3 indirectly, with certain specified persons or particular
4 types of persons, including but not limited to members of
5 street gangs and drug users or dealers;

6 (r-5) undergo a medical or other procedure to have
7 a tattoo symbolizing allegiance to a street gang removed
8 from his or her body;

9 (s) refrain from having in his or her body the
10 presence of any illicit drug prohibited by the Cannabis
11 Control Act or the Illinois Controlled Substances Act,
12 unless prescribed by a physician, and submit samples of
13 his or her blood or urine or both for tests to determine
14 the presence of any illicit drug; or

15 (t) comply with any other conditions as may be
16 ordered by the court.

17 (6) A minor whose case is continued under supervision
18 under subsection (5) shall be given a certificate setting
19 forth the conditions imposed by the court. Those conditions
20 may be reduced, enlarged, or modified by the court on motion
21 of the probation officer or on its own motion, or that of the
22 State's Attorney, or, at the request of the minor after
23 notice and hearing.

24 (7) If a petition is filed charging a violation of a
25 condition of the continuance under supervision, the court
26 shall conduct a hearing. If the court finds that a condition
27 of supervision has not been fulfilled, the court may proceed
28 to findings and adjudication and disposition. The filing of
29 a petition for violation of a condition of the continuance
30 under supervision shall toll the period of continuance under
31 supervision until the final determination of the charge, and
32 the term of the continuance under supervision shall not run
33 until the hearing and disposition of the petition for
34 violation; provided where the petition alleges conduct that

1 does not constitute a criminal offense, the hearing must be
2 held within 30 days of the filing of the petition unless a
3 delay shall continue the tolling of the period of continuance
4 under supervision for the period of the delay.

5 (8) When a hearing in which a minor is alleged to be a
6 delinquent for reasons that include a violation of Section
7 21-1.3 of the Criminal Code of 1961 is continued under this
8 Section, the court shall, as a condition of the continuance
9 under supervision, require the minor to perform community
10 service for not less than 30 and not more than 120 hours, if
11 community service is available in the jurisdiction. The
12 community service shall include, but need not be limited to,
13 the cleanup and repair of the damage that was caused by the
14 alleged violation or similar damage to property located in
15 the municipality or county in which the alleged violation
16 occurred. The condition may be in addition to any other
17 condition.

18 (8.5) When a hearing in which a minor is alleged to be a
19 delinquent for reasons that include a violation of Section
20 3.02 or Section 3.03 of the Humane Care for Animals Act or
21 paragraph (d) of subsection (1) of Section 21-1 of the
22 Criminal Code of 1961 is continued under this Section, the
23 court shall, as a condition of the continuance under
24 supervision, require the minor to undergo medical or
25 psychiatric treatment rendered by a psychiatrist or
26 psychological treatment rendered by a clinical psychologist.
27 The condition may be in addition to any other condition.

28 (9) When a hearing in which a minor is alleged to be a
29 delinquent is continued under this Section, the court, before
30 continuing the case, shall make a finding whether the offense
31 alleged to have been committed either: (i) was related to or
32 in furtherance of the activities of an organized gang or was
33 motivated by the minor's membership in or allegiance to an
34 organized gang, or (ii) is a violation of paragraph (13) of

1 subsection (a) of Section 12-2 of the Criminal Code of 1961,
2 a violation of any Section of Article 24 of the Criminal Code
3 of 1961, or a violation of any statute that involved the
4 unlawful use of a firearm. If the court determines the
5 question in the affirmative the court shall, as a condition
6 of the continuance under supervision and as part of or in
7 addition to any other condition of the supervision, require
8 the minor to perform community service for not less than 30
9 hours, provided that community service is available in the
10 jurisdiction and is funded and approved by the county board
11 of the county where the offense was committed. The community
12 service shall include, but need not be limited to, the
13 cleanup and repair of any damage caused by an alleged
14 violation of Section 21-1.3 of the Criminal Code of 1961 and
15 similar damage to property located in the municipality or
16 county in which the alleged violation occurred. When
17 possible and reasonable, the community service shall be
18 performed in the minor's neighborhood. For the purposes of
19 this Section, "organized gang" has the meaning ascribed to it
20 in Section 10 of the Illinois Streetgang Terrorism Omnibus
21 Prevention Act.

22 (10) The court shall impose upon a minor placed on
23 supervision, as a condition of the supervision, a fee of \$25
24 for each month of supervision ordered by the court, unless
25 after determining the inability of the minor placed on
26 supervision to pay the fee, the court assesses a lesser
27 amount. The court may not impose the fee on a minor who is
28 made a ward of the State under this Act while the minor is in
29 placement. The fee shall be imposed only upon a minor who is
30 actively supervised by the probation and court services
31 department. A court may order the parent, guardian, or legal
32 custodian of the minor to pay some or all of the fee on the
33 minor's behalf.

34 (Source: P.A. 90-590, eff. 1-1-99; 91-98; eff. 1-1-00;

1 91-332, eff. 7-29-99; revised 10-7-99.)

2 (705 ILCS 405/5-710)

3 Sec. 5-710. Kinds of sentencing orders.

4 (1) The following kinds of sentencing orders may be made
5 in respect of wards of the court:

6 (a) Except as provided in Sections 5-805, 5-810,
7 5-815, a minor who is found guilty under Section 5-620
8 may be:

9 (i) put on probation or conditional discharge
10 and released to his or her parents, guardian or
11 legal custodian, provided, however, that any such
12 minor who is not committed to the Department of
13 Corrections, Juvenile Division under this subsection
14 and who is found to be a delinquent for an offense
15 which is first degree murder, a Class X felony, or a
16 forcible felony shall be placed on probation;

17 (ii) placed in accordance with Section 5-740,
18 with or without also being put on probation or
19 conditional discharge;

20 (iii) required to undergo a substance abuse
21 assessment conducted by a licensed provider and
22 participate in the indicated clinical level of care;

23 (iv) placed in the guardianship of the
24 Department of Children and Family Services, but only
25 if the delinquent minor is under 13 years of age;

26 (v) placed in detention for a period not to
27 exceed 30 days, either as the exclusive order of
28 disposition or, where appropriate, in conjunction
29 with any other order of disposition issued under
30 this paragraph, provided that any such detention
31 shall be in a juvenile detention home and the minor
32 so detained shall be 10 years of age or older.
33 However, the 30-day limitation may be extended by

1 further order of the court for a minor under age 13
2 committed to the Department of Children and Family
3 Services if the court finds that the minor is a
4 danger to himself or others. The minor shall be
5 given credit on the sentencing order of detention
6 for time spent in detention under Sections 5-501,
7 5-601, 5-710, or 5-720 of this Article as a result
8 of the offense for which the sentencing order was
9 imposed. The court may grant credit on a sentencing
10 order of detention entered under a violation of
11 probation or violation of conditional discharge
12 under Section 5-720 of this Article for time spent
13 in detention before the filing of the petition
14 alleging the violation. A minor shall not be
15 deprived of credit for time spent in detention
16 before the filing of a violation of probation or
17 conditional discharge alleging the same or related
18 act or acts;

19 (vi) ordered partially or completely
20 emancipated in accordance with the provisions of the
21 Emancipation of Mature Minors Act;

22 (vii) subject to having his or her driver's
23 license or driving privileges suspended for such
24 time as determined by the court but only until he or
25 she attains 18 years of age;

26 (viii) put on probation or conditional
27 discharge and placed in detention under Section
28 3-6039 of the Counties Code for a period not to
29 exceed the period of incarceration permitted by law
30 for adults found guilty of the same offense or
31 offenses for which the minor was adjudicated
32 delinquent, and in any event no longer than upon
33 attainment of age 21; this subdivision (viii)
34 notwithstanding any contrary provision of the law;

1 or

2 (ix) ordered to undergo a medical or other
3 procedure to have a tattoo symbolizing allegiance to
4 a street gang removed from his or her body.

5 (b) A minor found to be guilty may be committed to
6 the Department of Corrections, Juvenile Division, under
7 Section 5-750 if the minor is 13 years of age or older,
8 provided that the commitment to the Department of
9 Corrections, Juvenile Division, shall be made only if a
10 term of incarceration is permitted by law for adults
11 found guilty of the offense for which the minor was
12 adjudicated delinquent. The time during which a minor is
13 in custody before being released upon the request of a
14 parent, guardian or legal custodian shall be considered
15 as time spent in detention.

16 (c) When a minor is found to be guilty for an
17 offense which is a violation of the Illinois Controlled
18 Substances Act or the Cannabis Control Act and made a
19 ward of the court, the court may enter a disposition
20 order requiring the minor to undergo assessment,
21 counseling or treatment in a substance abuse program
22 approved by the Department of Human Services.

23 (2) Any sentencing order other than commitment to the
24 Department of Corrections, Juvenile Division, may provide for
25 protective supervision under Section 5-725 and may include an
26 order of protection under Section 5-730.

27 (3) Unless the sentencing order expressly so provides,
28 it does not operate to close proceedings on the pending
29 petition, but is subject to modification until final closing
30 and discharge of the proceedings under Section 5-750.

31 (4) In addition to any other sentence, the court may
32 order any minor found to be delinquent to make restitution,
33 in monetary or non-monetary form, under the terms and
34 conditions of Section 5-5-6 of the Unified Code of

1 Corrections, except that the "presentencing hearing" referred
2 to in that Section shall be the sentencing hearing for
3 purposes of this Section. The parent, guardian or legal
4 custodian of the minor may be ordered by the court to pay
5 some or all of the restitution on the minor's behalf,
6 pursuant to the Parental Responsibility Law. The State's
7 Attorney is authorized to act on behalf of any victim in
8 seeking restitution in proceedings under this Section, up to
9 the maximum amount allowed in Section 5 of the Parental
10 Responsibility Law.

11 (5) Any sentencing order where the minor is committed or
12 placed in accordance with Section 5-740 shall provide for the
13 parents or guardian of the estate of the minor to pay to the
14 legal custodian or guardian of the person of the minor such
15 sums as are determined by the custodian or guardian of the
16 person of the minor as necessary for the minor's needs. The
17 payments may not exceed the maximum amounts provided for by
18 Section 9.1 of the Children and Family Services Act.

19 (6) Whenever the sentencing order requires the minor to
20 attend school or participate in a program of training, the
21 truant officer or designated school official shall regularly
22 report to the court if the minor is a chronic or habitual
23 truant under Section 26-2a of the School Code.

24 (7) In no event shall a guilty minor be committed to the
25 Department of Corrections, Juvenile Division for a period of
26 time in excess of that period for which an adult could be
27 committed for the same act.

28 (8) A minor found to be guilty for reasons that include
29 a violation of Section 21-1.3 of the Criminal Code of 1961
30 shall be ordered to perform community service for not less
31 than 30 and not more than 120 hours, if community service is
32 available in the jurisdiction. The community service shall
33 include, but need not be limited to, the cleanup and repair
34 of the damage that was caused by the violation or similar

1 damage to property located in the municipality or county in
2 which the violation occurred. The order may be in addition
3 to any other order authorized by this Section.

4 (8.5) A minor found to be guilty for reasons that
5 include a violation of Section 3.02 or Section 3.03 of the
6 Humane Care for Animals Act or paragraph (d) of subsection
7 (1) of Section 21-1 of the Criminal Code of 1961 shall be
8 ordered to undergo medical or psychiatric treatment rendered
9 by a psychiatrist or psychological treatment rendered by a
10 clinical psychologist. The order may be in addition to any
11 other order authorized by this Section.

12 (9) In addition to any other sentencing order, the court
13 shall order any minor found to be guilty for an act which
14 would constitute, predatory criminal sexual assault of a
15 child, aggravated criminal sexual assault, criminal sexual
16 assault, aggravated criminal sexual abuse, or criminal sexual
17 abuse if committed by an adult to undergo medical testing to
18 determine whether the defendant has any sexually
19 transmissible disease including a test for infection with
20 human immunodeficiency virus (HIV) or any other identified
21 causative agency of acquired immunodeficiency syndrome
22 (AIDS). Any medical test shall be performed only by
23 appropriately licensed medical practitioners and may include
24 an analysis of any bodily fluids as well as an examination of
25 the minor's person. Except as otherwise provided by law, the
26 results of the test shall be kept strictly confidential by
27 all medical personnel involved in the testing and must be
28 personally delivered in a sealed envelope to the judge of the
29 court in which the sentencing order was entered for the
30 judge's inspection in camera. Acting in accordance with the
31 best interests of the victim and the public, the judge shall
32 have the discretion to determine to whom the results of the
33 testing may be revealed. The court shall notify the minor of
34 the results of the test for infection with the human

1 immunodeficiency virus (HIV). The court shall also notify
2 the victim if requested by the victim, and if the victim is
3 under the age of 15 and if requested by the victim's parents
4 or legal guardian, the court shall notify the victim's
5 parents or the legal guardian, of the results of the test for
6 infection with the human immunodeficiency virus (HIV). The
7 court shall provide information on the availability of HIV
8 testing and counseling at the Department of Public Health
9 facilities to all parties to whom the results of the testing
10 are revealed. The court shall order that the cost of any
11 test shall be paid by the county and may be taxed as costs
12 against the minor.

13 (10) When a court finds a minor to be guilty the court
14 shall, before entering a sentencing order under this Section,
15 make a finding whether the offense committed either: (a) was
16 related to or in furtherance of the criminal activities of an
17 organized gang or was motivated by the minor's membership in
18 or allegiance to an organized gang, or (b) involved a
19 violation of subsection (a) of Section 12-7.1 of the Criminal
20 Code of 1961, a violation of any Section of Article 24 of the
21 Criminal Code of 1961, or a violation of any statute that
22 involved the wrongful use of a firearm. If the court
23 determines the question in the affirmative, and the court
24 does not commit the minor to the Department of Corrections,
25 Juvenile Division, the court shall order the minor to perform
26 community service for not less than 30 hours nor more than
27 120 hours, provided that community service is available in
28 the jurisdiction and is funded and approved by the county
29 board of the county where the offense was committed. The
30 community service shall include, but need not be limited to,
31 the cleanup and repair of any damage caused by a violation of
32 Section 21-1.3 of the Criminal Code of 1961 and similar
33 damage to property located in the municipality or county in
34 which the violation occurred. When possible and reasonable,

1 the community service shall be performed in the minor's
2 neighborhood. This order shall be in addition to any other
3 order authorized by this Section except for an order to place
4 the minor in the custody of the Department of Corrections,
5 Juvenile Division. For the purposes of this Section,
6 "organized gang" has the meaning ascribed to it in Section 10
7 of the Illinois Streetgang Terrorism Omnibus Prevention Act.
8 (Source: P.A. 90-590, eff. 1-1-99; 91-98, eff. 1-1-00.)

9 (705 ILCS 405/5-715)

10 Sec. 5-715. Probation.

11 (1) The period of probation or conditional discharge
12 shall not exceed 5 years or until the minor has attained the
13 age of 21 years, whichever is less, except as provided in
14 this Section for a minor who is found to be guilty for an
15 offense which is first degree murder, a Class X felony or a
16 forcible felony. The juvenile court may terminate probation
17 or conditional discharge and discharge the minor at any time
18 if warranted by the conduct of the minor and the ends of
19 justice; provided, however, that the period of probation for
20 a minor who is found to be guilty for an offense which is
21 first degree murder, a Class X felony, or a forcible felony
22 shall be at least 5 years.

23 (2) The court may as a condition of probation or of
24 conditional discharge require that the minor:

25 (a) not violate any criminal statute of any
26 jurisdiction;

27 (b) make a report to and appear in person before
28 any person or agency as directed by the court;

29 (c) work or pursue a course of study or vocational
30 training;

31 (d) undergo medical or psychiatric treatment,
32 rendered by a psychiatrist or psychological treatment
33 rendered by a clinical psychologist or social work

1 services rendered by a clinical social worker, or
2 treatment for drug addiction or alcoholism;

3 (e) attend or reside in a facility established for
4 the instruction or residence of persons on probation;

5 (f) support his or her dependents, if any;

6 (g) refrain from possessing a firearm or other
7 dangerous weapon, or an automobile;

8 (h) permit the probation officer to visit him or
9 her at his or her home or elsewhere;

10 (i) reside with his or her parents or in a foster
11 home;

12 (j) attend school;

13 (k) attend a non-residential program for youth;

14 (l) make restitution under the terms of subsection
15 (4) of Section 5-710;

16 (m) contribute to his or her own support at home or
17 in a foster home;

18 (n) perform some reasonable public or community
19 service;

20 (o) participate with community corrections programs
21 including unified delinquency intervention services
22 administered by the Department of Human Services subject
23 to Section 5 of the Children and Family Services Act;

24 (p) pay costs;

25 (q) serve a term of home confinement. In addition
26 to any other applicable condition of probation or
27 conditional discharge, the conditions of home confinement
28 shall be that the minor:

29 (i) remain within the interior premises of the
30 place designated for his or her confinement during
31 the hours designated by the court;

32 (ii) admit any person or agent designated by
33 the court into the minor's place of confinement at
34 any time for purposes of verifying the minor's

1 compliance with the conditions of his or her
2 confinement; and

3 (iii) use an approved electronic monitoring
4 device if ordered by the court subject to Article 8A
5 of Chapter V of the Unified Code of Corrections;

6 (r) refrain from entering into a designated
7 geographic area except upon terms as the court finds
8 appropriate. The terms may include consideration of the
9 purpose of the entry, the time of day, other persons
10 accompanying the minor, and advance approval by a
11 probation officer, if the minor has been placed on
12 probation, or advance approval by the court, if the minor
13 has been placed on conditional discharge;

14 (s) refrain from having any contact, directly or
15 indirectly, with certain specified persons or particular
16 types of persons, including but not limited to members of
17 street gangs and drug users or dealers;

18 (s-5) undergo a medical or other procedure to have
19 a tattoo symbolizing allegiance to a street gang removed
20 from his or her body;

21 (t) refrain from having in his or her body the
22 presence of any illicit drug prohibited by the Cannabis
23 Control Act or the Illinois Controlled Substances Act,
24 unless prescribed by a physician, and shall submit
25 samples of his or her blood or urine or both for tests to
26 determine the presence of any illicit drug; or

27 (u) comply with other conditions as may be ordered
28 by the court.

29 (3) The court may as a condition of probation or of
30 conditional discharge require that a minor found guilty on
31 any alcohol, cannabis, or controlled substance violation,
32 refrain from acquiring a driver's license during the period
33 of probation or conditional discharge. If the minor is in
34 possession of a permit or license, the court may require that

1 the minor refrain from driving or operating any motor vehicle
2 during the period of probation or conditional discharge,
3 except as may be necessary in the course of the minor's
4 lawful employment.

5 (3.5) The court shall, as a condition of probation or of
6 conditional discharge, require that a minor found to be
7 guilty and placed on probation for reasons that include a
8 violation of Section 3.02 or Section 3.03 of the Humane Care
9 for Animals Act or paragraph (d) of subsection (1) of Section
10 21-1 of the Criminal Code of 1961 undergo medical or
11 psychiatric treatment rendered by a psychiatrist or
12 psychological treatment rendered by a clinical psychologist.
13 The condition may be in addition to any other condition.

14 (4) A minor on probation or conditional discharge shall
15 be given a certificate setting forth the conditions upon
16 which he or she is being released.

17 (5) The court shall impose upon a minor placed on
18 probation or conditional discharge, as a condition of the
19 probation or conditional discharge, a fee of \$25 for each
20 month of probation or conditional discharge supervision
21 ordered by the court, unless after determining the inability
22 of the minor placed on probation or conditional discharge to
23 pay the fee, the court assesses a lesser amount. The court
24 may not impose the fee on a minor who is made a ward of the
25 State under this Act while the minor is in placement. The
26 fee shall be imposed only upon a minor who is actively
27 supervised by the probation and court services department.
28 The court may order the parent, guardian, or legal custodian
29 of the minor to pay some or all of the fee on the minor's
30 behalf.

31 (6) The General Assembly finds that in order to protect
32 the public, the juvenile justice system must compel
33 compliance with the conditions of probation by responding to
34 violations with swift, certain, and fair punishments and

1 intermediate sanctions. The Chief Judge of each circuit
 2 shall adopt a system of structured, intermediate sanctions
 3 for violations of the terms and conditions of a sentence of
 4 supervision, probation or conditional discharge, under this
 5 Act.

6 The court shall provide as a condition of a disposition
 7 of probation, conditional discharge, or supervision, that the
 8 probation agency may invoke any sanction from the list of
 9 intermediate sanctions adopted by the chief judge of the
 10 circuit court for violations of the terms and conditions of
 11 the sentence of probation, conditional discharge, or
 12 supervision, subject to the provisions of Section 5-720 of
 13 this Act.

14 (Source: P.A. 90-590, eff. 1-1-99; 91-98, eff. 1-1-00.)

15 Section 20. The Criminal Code of 1961 is amended by
 16 changing Section 21-1 as follows:

17 (720 ILCS 5/21-1) (from Ch. 38, par. 21-1)

18 Sec. 21-1. Criminal damage to property.

19 (1) A person commits an illegal act when he:

20 (a) knowingly damages any property of another
 21 without his consent; or

22 (b) recklessly by means of fire or explosive
 23 damages property of another; or

24 (c) knowingly starts a fire on the land of another
 25 without his consent; or

26 (d) knowingly injures a domestic animal of another
 27 without his consent; or

28 (e) knowingly deposits on the land or in the
 29 building of another, without his consent, any stink bomb
 30 or any offensive smelling compound and thereby intends to
 31 interfere with the use by another of the land or
 32 building; or

1 (f) damages any property, other than as described
2 in subsection (b) of Section 20-1, with intent to defraud
3 an insurer; or

4 (g) knowingly shoots a firearm at any portion of a
5 railroad train.

6 When the charge of criminal damage to property exceeding
7 a specified value is brought, the extent of the damage is an
8 element of the offense to be resolved by the trier of fact as
9 either exceeding or not exceeding the specified value.

10 (2) The acts described in items (a), (b), (c), (e), and
11 through (f) are Class A misdemeanors if the damage to
12 property does not exceed \$300. The acts described in items
13 (a), (b), (c), (e), and through (f) are Class 4 felonies if
14 the damage to property does not exceed \$300 if the damage
15 occurs to property of a school or place of worship. The act
16 described in item (d) is a Class 4 felony if the damage to
17 property does not exceed \$10,000. The act described in item
18 (g) is a Class 4 felony. The acts described in items (a),
19 (b), (c), (e), and through (f) are Class 4 felonies if the
20 damage to property exceeds \$300 but does not exceed \$10,000.
21 The acts described in items (a) through (f) are Class 3
22 felonies if the damage to property exceeds \$300 but does not
23 exceed \$10,000 if the damage occurs to property of a school
24 or place of worship. The acts described in items (a) through
25 (f) are Class 3 felonies if the damage to property exceeds
26 \$10,000 but does not exceed \$100,000. The acts described in
27 items (a) through (f) are Class 2 felonies if the damage to
28 property exceeds \$10,000 but does not exceed \$100,000 if the
29 damage occurs to property of a school or place of worship.
30 The acts described in items (a) through (f) are Class 2
31 felonies if the damage to property exceeds \$100,000. The
32 acts described in items (a) through (f) are Class 1 felonies
33 if the damage to property exceeds \$100,000 and the damage
34 occurs to property of a school or place of worship. If the

1 damage to property exceeds \$10,000, the court shall impose
2 upon the offender a fine equal to the value of the damages to
3 the property.

4 (3) In addition to any other sentence that may be
5 imposed, a court shall order any person convicted of criminal
6 damage to property to perform community service for not less
7 than 30 and not more than 120 hours, if community service is
8 available in the jurisdiction and is funded and approved by
9 the county board of the county where the offense was
10 committed. In addition, whenever any person is placed on
11 supervision for an alleged offense under this Section, the
12 supervision shall be conditioned upon the performance of the
13 community service.

14 This subsection does not apply when the court imposes a
15 sentence of incarceration.

16 (Source: P.A. 91-360, eff. 7-29-99.)

17 Section 25. The State Finance Act is amended by adding
18 Section 5.545 as follows:

19 (30 ILCS 105/5.545 new)

20 Sec. 5.545. The Illinois Animal Abuse Fund.

21 Section 30. Severability. The provisions of this Act
22 are severable under Section 1.31 of the Statute on Statutes.

23 Section 99. Effective date. This Act takes effect on
24 January 1, 2002.