



Rep. Martin J. Moylan

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LRB100 05948 SLF 22867 a

1 AMENDMENT TO HOUSE BILL 3731

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3731 by replacing  
3 everything after the enacting clause with the following:

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

5 Section 5. The Humane Care for Animals Act is amended by  
6 changing Section 4.04 and 7.15 as follows:

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

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

11 (a) It shall be unlawful for any person to willfully or  
12 maliciously torture, mutilate, injure, disable, poison, or  
13 kill (i) any animal used by a law enforcement department or  
14 agency in the performance of the functions or duties of the  
15 department or agency or when placed in confinement off duty,

1 (ii) any service animal, (iii) any search and rescue dog, (iv)  
2 any law enforcement, service, or search and rescue animal in  
3 training, or (v) any accelerant detection canine used by a fire  
4 officer for arson investigations in the performance of his or  
5 her functions or while off duty. However, a police officer or  
6 veterinarian may perform euthanasia in emergency situations  
7 when delay would cause the animal undue suffering and pain.

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

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

22 (c) If the offender is found to be guilty under this  
23 Section, the offender shall be responsible for any veterinarian  
24 bills for an animal that was injured, and training costs for  
25 another animal, if the animal injured or killed is no longer  
26 able to be in service.

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

5       (Source: P.A. 95-331, eff. 8-21-07; 95-560, eff. 8-30-07;  
6       96-1171, eff. 7-22-10.)

7               (510 ILCS 70/7.15)

8       Sec. 7.15. Guide, hearing, and support dogs.

9       (a) A person may not willfully and maliciously annoy,  
10 taunt, tease, harass, torment, beat, or strike a guide,  
11 hearing, or support dog or otherwise engage in any conduct  
12 directed toward a guide, hearing, or support dog that is likely  
13 to impede or interfere with the dog's performance of its duties  
14 or that places the blind, hearing impaired, or person with a  
15 physical disability being served or assisted by the dog in  
16 danger of injury.

17       (b) A person may not willfully and maliciously torture,  
18 injure, or kill a guide, hearing, or support dog.

19       (c) A person may not willfully and maliciously permit a dog  
20 that is owned, harbored, or controlled by the person to cause  
21 injury to or the death of a guide, hearing, or support dog  
22 ~~while the guide, hearing, or support dog is in discharge of its~~  
23 ~~duties.~~

24       (c-5) A person may not recklessly permit a dog that is  
25 owned, harbored, or controlled by the person and off its

1 owner's property or at large to cause injury to or the death of  
2 a guide, hearing, or support dog.

3 (d) A person convicted of violating this Section is guilty  
4 of a Class A misdemeanor. A second or subsequent violation is a  
5 Class 4 felony. A person convicted of violating subsection (b)  
6 or (c) of this Section is guilty of a Class 4 felony if the dog  
7 is killed or totally disabled, and may be ordered by the court  
8 to make restitution to the person with a disability having  
9 custody or ownership of the dog for veterinary bills and  
10 replacement costs of the dog. A person convicted of violating  
11 subsection (c-5) of this Section is guilty of a petty offense  
12 if the dog is not killed or totally disabled. A person  
13 convicted of violating subsection (c-5) of this Section is  
14 guilty of a Class C misdemeanor if the dog is killed or totally  
15 disabled, and may be ordered by the court to make restitution  
16 to the person with a disability having custody or ownership of  
17 the dog for veterinary bills and replacement costs of the dog.  
18 A person convicted of a second or subsequent violation of  
19 subsection (c-5) of this Section is guilty of a Class 4 felony  
20 if the dog is killed or totally disabled, and may be ordered by  
21 the court to make restitution to the person with a disability  
22 having custody or ownership of the dog for veterinary bill and  
23 replacement costs of the dog. The remedies provided in this  
24 Section are in addition to any other remedies provided by law.

25 (Source: P.A. 99-143, eff. 7-27-15.)"