



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB4191

by Rep. David S. Olsen

#### SYNOPSIS AS INTRODUCED:

510 ILCS 70/7.2 new

Amends the Humane Care for Animals Act. Provides that a person is immune from criminal liability for criminal damage to property and criminal trespass to vehicles resulting from his or her forcible entry into a vehicle and from civil liability for property damage if the person: determines the vehicle is locked or there is otherwise no reasonable method for the dog or cat to exit the vehicle; has a good faith belief that forcible entry into the vehicle is necessary because the dog or cat is in imminent danger of suffering harm if not immediately removed from the vehicle, and based upon the circumstances known to the person at the time, the belief is a reasonable one; has made a good faith effort to contact a 9-1-1 emergency telephone system operator, law enforcement, or the fire department, and if contact is not possible prior to forcibly entering the vehicle, the person makes contact as soon as possible after forcibly entering the vehicle; makes a good a faith effort to place a notice on the vehicle's windshield with the person's contact information, the reason entry was made, the location of the dog or cat, and the fact that authorities have been notified; remains with the dog or cat in a safe location until law enforcement or emergency responders arrive; and uses no more force than necessary to enter the vehicle to remove the dog or cat. Effective immediately.

LRB100 16222 SLF 31345 b

1 AN ACT concerning animals.

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

4 Section 5. The Humane Care for Animals Act is amended by  
5 adding Section 7.2 as follows:

6 (510 ILCS 70/7.2 new)

7 Sec. 7.2. Persons removing a dog or cat from a locked  
8 vehicle exempt from criminal and civil liability.

9 (a) In this Section, "harm" means injury or death.

10 (b) Except as provided in subsection (d) of this Section, a  
11 person is immune from criminal liability for criminal damage to  
12 property under Section 21-1 of the Criminal Code of 2012 and  
13 criminal trespass to vehicles under Section 21-2 of the  
14 Criminal Code of 2012 resulting from his or her forcible entry  
15 into a vehicle and from civil liability for property damage if  
16 the person:

17 (1) determines the vehicle is locked or there is  
18 otherwise no reasonable method for the dog or cat to exit  
19 the vehicle;

20 (2) has a good faith belief that forcible entry into  
21 the vehicle is necessary because the dog or cat is in  
22 imminent danger of suffering harm if not immediately  
23 removed from the vehicle, and based upon the circumstances

1 known to the person at the time, the belief is a reasonable  
2 one;

3 (3) has made a good faith effort to contact a 9-1-1  
4 emergency telephone system operator, law enforcement, or  
5 the fire department, and if contact is not possible prior  
6 to forcibly entering the vehicle, the person makes contact  
7 as soon as possible after forcibly entering the vehicle;

8 (4) makes a good a faith effort to place a notice on  
9 the vehicle's windshield with the person's contact  
10 information, the reason entry was made, the location of the  
11 dog or cat, and the fact that authorities have been  
12 notified;

13 (5) remains with the dog or cat in a safe location  
14 until law enforcement or emergency responders arrive; and

15 (6) uses no more force than necessary to enter the  
16 vehicle to remove the dog or cat.

17 (c) Nothing in this Section shall effect the person's  
18 criminal or civil liability if the person attempts to render  
19 aid to the dog or cat in addition to what is authorized under  
20 this Section.

21 (d) A person shall not be immune from criminal or civil  
22 liability for any damage resulting from the forcible entry of a  
23 vehicle for the purpose of removing a dog or cat from the  
24 vehicle if the person's actions constitute recklessness or  
25 willful or wanton misconduct with regard to the entry of the  
26 vehicle.

1           Section 99. Effective date. This Act takes effect upon  
2    becoming law.