

SB2294



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB2294

Introduced 1/10/2018, by Sen. Julie A. Morrison

SYNOPSIS AS INTRODUCED:

510 ILCS 70/7.2 new
720 ILCS 5/12C-22 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 a domestic animal was present in the vehicle and the person had a good faith belief that the domestic animal was in imminent danger of suffering bodily harm unless the domestic animal was removed from the vehicle or exited the vehicle if certain circumstances occur. Amends the Criminal Code of 2012. Provides that a person is immune from criminal liability for damage to property and criminal trespass to vehicles resulting from his or her forcible entry into a locked vehicle and from civil liability for property damage if a child was present in the vehicle and the person had a good faith belief that the child was in imminent danger of suffering bodily harm unless the child was removed from the vehicle or exited the vehicle if certain circumstances occur. Effective immediately.

LRB100 16008 SLF 31126 b

A BILL FOR

1 AN ACT concerning civil and criminal immunity.

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 domestic animal from a locked
8 vehicle exempt from criminal and civil liability.

9 (a) In this Section:

10 "Domestic animal" means a dog, cat, or other animal that is
11 domesticated and kept as a household pet, but does not include
12 livestock as defined in Section 1 of the Illinois Livestock
13 Dealer Licensing Act.

14 "Vehicle" means a motor vehicle or any other vehicle that
15 is used to transport persons or cargo and that is enclosed.

16 (b) A person is immune from criminal liability for criminal
17 damage to property under Section 21-1 of the Criminal Code of
18 2012 and criminal trespass to vehicles under Section 21-2 of
19 the Criminal Code of 2012 resulting from his or her forcible
20 entry into a vehicle and from civil liability for property
21 damage if:

22 (1) a domestic animal was present in the vehicle and
23 the person had a good faith belief that the domestic animal

1 was in imminent danger of suffering bodily harm unless the
2 domestic animal was removed from the vehicle or exited the
3 vehicle;

4 (2) the person contacted a 9-1-1 emergency telephone
5 system operator or otherwise contacted law enforcement,
6 emergency medical services, or animal control prior to
7 forcibly entering the vehicle;

8 (3) the person determined that the vehicle was locked
9 and forcible entry was necessary to enable the person to
10 enter the vehicle or to enable the domestic animal to be
11 removed from or to exit the vehicle;

12 (4) the person remained with the domestic animal until
13 a law enforcement officer, emergency medical service
14 provider, animal control officer, or other emergency
15 medical responder arrived at the scene;

16 (5) the person used no more force than he or she
17 reasonably believed necessary to enter the vehicle in order
18 to remove the domestic animal or allow the domestic animal
19 to exit the vehicle; and

20 (6) if the person left the scene before the owner or
21 operator of the vehicle returned to the scene, the person
22 placed a notice on the windshield of the vehicle that
23 included his or her name, telephone number, mailing
24 address, the reason he or she entered the vehicle, and the
25 location, if known, of the domestic animal when the person
26 left the scene.

1 Section 10. The Criminal Code of 2012 is amended by adding
2 Section 12C-22 as follows:

3 (720 ILCS 5/12C-22 new)

4 Sec. 12C-22. Persons removing a child from a locked vehicle
5 exempt from criminal and civil liability.

6 (a) In this Section "vehicle" means a motor vehicle or any
7 other vehicle that is used to transport persons or cargo and
8 that is enclosed.

9 (b) A person is immune from criminal liability for criminal
10 damage to property under Section 21-1 of this Code and criminal
11 trespass to vehicles under Section 21-2 of this Code resulting
12 from his or her forcible entry into a locked vehicle and from
13 civil liability for property damage if:

14 (1) a child was present in the vehicle and the person
15 had a good faith belief that the child was in imminent
16 danger of suffering bodily harm unless the child was
17 removed from the vehicle or exited the vehicle;

18 (2) the person contacted a 9-1-1 emergency telephone
19 system operator or otherwise contacted law enforcement or
20 emergency medical services prior to forcibly entering the
21 vehicle;

22 (3) the person determined that the vehicle was locked
23 and forcible entry was necessary to enable the person to
24 enter the vehicle or enable the child to be removed from or

1 exit the vehicle;

2 (4) the person remained with the child until a law
3 enforcement officer, emergency medical service provider,
4 or other emergency medical responder arrived at the scene;

5 (5) the person used no more force than he or she
6 reasonably believed necessary to enter the vehicle in order
7 to remove the child or allow the child to exit the vehicle;
8 and

9 (6) if the person left the scene before the owner or
10 operator of the vehicle returned to the scene, the person
11 placed a notice on the windshield of the vehicle that
12 included his or her name, telephone number, mailing
13 address, the reason he or she entered the vehicle, and the
14 location, if known, of the child when the person left the
15 scene.

16 Section 99. Effective date. This Act takes effect upon
17 becoming law.