



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB5379

by Rep. Terri Bryant - Grant Wehrli

SYNOPSIS AS INTRODUCED:

510 ILCS 70/7.2 new

720 ILCS 5/21-1

720 ILCS 5/21-2

from Ch. 38, par. 21-1

from Ch. 38, par. 21-2

Amends the Humane Care for Animals Act and the Criminal Code of 2012. 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: (1) determines the vehicle is locked or there is otherwise no reasonable method for a dog or cat to exit the vehicle; (2) 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; (3) 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; (4) makes a good 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; (5) remains with the dog or cat in a safe location until law enforcement or emergency responders arrive; and (6) uses no more force than necessary to enter the vehicle to remove the dog or cat. Effective immediately.

LRB101 16931 CMG 66331 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 civil liability.

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

10 (b) Except as provided in subsection (c) of this Section, a
11 person is immune from civil liability for property damage to a
12 locked vehicle when the damage results from forcible entry of
13 the vehicle to remove a dog or cat from the vehicle if the
14 person:

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

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

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

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

12 (5) remains with the dog or cat in a safe location
13 until the owner arrives, at which time the owner shall take
14 immediate custody of the dog or cat. If the owner does not
15 arrive before a law enforcement officer, emergency
16 responder, or animal control officer, the person shall
17 surrender the dog or cat to the law enforcement officer,
18 emergency responder, or animal control officer who shall
19 seek veterinary care if he or she deems necessary. If
20 veterinary care is not deemed necessary, the law
21 enforcement officer, emergency responder, or animal
22 control officer shall attempt to locate the owner and if
23 located, shall surrender the dog or cat to the owner. If
24 the law enforcement officer, emergency responder, or
25 animal control officer cannot locate the owner, animal
26 control shall take custody of the dog or cat under Section

1 9 of the Animal Control Act and notice shall be placed on
2 the vehicle's windshield with information of where the dog
3 or cat is located;

4 (6) uses no more force than necessary to enter the
5 vehicle to remove the dog or cat; and

6 (7) provides the person's name, address, telephone
7 number, and any other pertinent contact information to the
8 law enforcement officer, emergency responder, or animal
9 control officer.

10 (c) A person shall not be immune from civil liability for
11 any damage or deprivation of property resulting from the
12 forcible entry of a vehicle for the purpose of removing a dog
13 or cat from the vehicle if the person's actions constitute
14 recklessness or willful or wanton misconduct with regard to the
15 entry of the vehicle.

16 Section 10. The Criminal Code of 2012 is amended by
17 changing Sections 21-1 and 21-2 as follows:

18 (720 ILCS 5/21-1) (from Ch. 38, par. 21-1)

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

20 (a) A person commits criminal damage to property when he or
21 she:

22 (1) knowingly damages any property of another;

23 (2) recklessly by means of fire or explosive damages
24 property of another;

1 (3) knowingly starts a fire on the land of another;

2 (4) knowingly injures a domestic animal of another
3 without his or her consent;

4 (5) knowingly deposits on the land or in the building
5 of another any stink bomb or any offensive smelling
6 compound and thereby intends to interfere with the use by
7 another of the land or building;

8 (6) knowingly damages any property, other than as
9 described in paragraph (2) of subsection (a) of Section
10 20-1, with intent to defraud an insurer;

11 (7) knowingly shoots a firearm at any portion of a
12 railroad train;

13 (8) knowingly, without proper authorization, cuts,
14 injures, damages, defaces, destroys, or tampers with any
15 fire hydrant or any public or private fire fighting
16 equipment, or any apparatus appertaining to fire fighting
17 equipment; or

18 (9) intentionally, without proper authorization, opens
19 any fire hydrant.

20 (b) When the charge of criminal damage to property
21 exceeding a specified value is brought, the extent of the
22 damage is an element of the offense to be resolved by the trier
23 of fact as either exceeding or not exceeding the specified
24 value.

25 (c) It is an affirmative defense to a violation of
26 paragraph (1), (3), or (5) of subsection (a) of this Section

1 that the owner of the property or land damaged consented to the
2 damage.

3 (c-5) It is an affirmative defense to a violation of
4 paragraph (1) of subsection (a) of this Section when the damage
5 to a locked vehicle results from forcible entry to remove a dog
6 or cat from the vehicle if the person:

7 (1) determines the vehicle is locked or there is
8 otherwise no reasonable method for the dog or cat to exit
9 the vehicle;

10 (2) has a good faith belief that forcible entry into
11 the vehicle is necessary because a dog or cat is in
12 imminent danger of suffering harm if not immediately
13 removed from the vehicle, and based upon the circumstances
14 known to the person at the time, the belief is a reasonable
15 one;

16 (3) has made a good faith effort to contact a 9-1-1
17 emergency telephone system operator, law enforcement,
18 animal control, or the fire department, and if contact is
19 not possible prior to forcibly entering the vehicle, the
20 person makes contact as soon as possible after forcibly
21 entering the vehicle;

22 (4) makes a good a faith effort to place a notice on
23 the vehicle's windshield with the person's contact
24 information, the reason entry was made, the location of the
25 dog or cat, and the fact that authorities have been
26 notified;

1 (5) remains with the dog or cat in a safe location
2 until the owner arrives, at which time the owner shall take
3 immediate custody of the dog or cat. If the owner does not
4 arrive before a law enforcement officer, emergency
5 responder, or animal control officer, the person shall
6 surrender the dog or cat to the law enforcement officer,
7 emergency responder, or animal control officer who shall
8 seek veterinary care if he or she deems necessary. If
9 veterinary care is not deemed necessary, the law
10 enforcement officer, emergency responder, or animal
11 control officer shall attempt to locate the owner and if
12 located, shall surrender the dog or cat to the owner. If
13 the law enforcement officer, emergency responder, or
14 animal control officer cannot locate the owner, animal
15 control shall take custody of the dog or cat under Section
16 9 of the Animal Control Act and notice shall be placed on
17 the vehicle's windshield with information of where the dog
18 or cat is located;

19 (6) uses no more force than necessary to enter the
20 vehicle to remove the dog or cat; and

21 (7) provides the person's name, address, telephone
22 number, and any other pertinent contact information to the
23 law enforcement officer, emergency responder, or animal
24 control officer.

25 (d) Sentence.

26 (1) A violation of subsection (a) shall have the

1 following penalties:

2 (A) A violation of paragraph (8) or (9) is a Class
3 B misdemeanor.

4 (B) A violation of paragraph (1), (2), (3), (5), or
5 (6) is a Class A misdemeanor when the damage to
6 property does not exceed \$500.

7 (C) A violation of paragraph (1), (2), (3), (5), or
8 (6) is a Class 4 felony when the damage to property
9 does not exceed \$500 and the damage occurs to property
10 of a school or place of worship or to farm equipment or
11 immovable items of agricultural production, including
12 but not limited to grain elevators, grain bins, and
13 barns or property which memorializes or honors an
14 individual or group of police officers, fire fighters,
15 members of the United States Armed Forces, National
16 Guard, or veterans.

17 (D) A violation of paragraph (4) is a Class 4
18 felony when the damage to property does not exceed
19 \$10,000.

20 (E) A violation of paragraph (7) is a Class 4
21 felony.

22 (F) A violation of paragraph (1), (2), (3), (5) or
23 (6) is a Class 4 felony when the damage to property
24 exceeds \$500 but does not exceed \$10,000.

25 (G) A violation of paragraphs (1) through (6) is a
26 Class 3 felony when the damage to property exceeds \$500

1 but does not exceed \$10,000 and the damage occurs to
2 property of a school or place of worship or to farm
3 equipment or immovable items of agricultural
4 production, including but not limited to grain
5 elevators, grain bins, and barns or property which
6 memorializes or honors an individual or group of police
7 officers, fire fighters, members of the United States
8 Armed Forces, National Guard, or veterans.

9 (H) A violation of paragraphs (1) through (6) is a
10 Class 3 felony when the damage to property exceeds
11 \$10,000 but does not exceed \$100,000.

12 (I) A violation of paragraphs (1) through (6) is a
13 Class 2 felony when the damage to property exceeds
14 \$10,000 but does not exceed \$100,000 and the damage
15 occurs to property of a school or place of worship or
16 to farm equipment or immovable items of agricultural
17 production, including but not limited to grain
18 elevators, grain bins, and barns or property which
19 memorializes or honors an individual or group of police
20 officers, fire fighters, members of the United States
21 Armed Forces, National Guard, or veterans.

22 (J) A violation of paragraphs (1) through (6) is a
23 Class 2 felony when the damage to property exceeds
24 \$100,000. A violation of paragraphs (1) through (6) is
25 a Class 1 felony when the damage to property exceeds
26 \$100,000 and the damage occurs to property of a school

1 or place of worship or to farm equipment or immovable
2 items of agricultural production, including but not
3 limited to grain elevators, grain bins, and barns or
4 property which memorializes or honors an individual or
5 group of police officers, fire fighters, members of the
6 United States Armed Forces, National Guard, or
7 veterans.

8 (2) When the damage to property exceeds \$10,000, the
9 court shall impose upon the offender a fine equal to the
10 value of the damages to the property.

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

21 The community service requirement does not apply when
22 the court imposes a sentence of incarceration.

23 (4) In addition to any criminal penalties imposed for a
24 violation of this Section, if a person is convicted of or
25 placed on supervision for knowingly damaging or destroying
26 crops of another, including crops intended for personal,

1 commercial, research, or developmental purposes, the
2 person is liable in a civil action to the owner of any
3 crops damaged or destroyed for money damages up to twice
4 the market value of the crops damaged or destroyed.

5 (5) For the purposes of this subsection (d), "farm
6 equipment" means machinery or other equipment used in
7 farming.

8 (Source: P.A. 98-315, eff. 1-1-14; 99-631, eff. 1-1-17.)

9 (720 ILCS 5/21-2) (from Ch. 38, par. 21-2)

10 Sec. 21-2. Criminal trespass to vehicles.

11 (a) A person commits criminal trespass to vehicles when he
12 or she knowingly and without authority enters any part of or
13 operates any vehicle, aircraft, watercraft, or snowmobile.

14 (a-5) It is an affirmative defense to a violation of this
15 Section when entry to a locked vehicle is for removal of a dog
16 or cat from the vehicle if 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 a dog or cat is in
22 imminent danger of suffering harm if not immediately
23 removed from the vehicle, and based upon the circumstances
24 known to the person at the time, the belief is a reasonable
25 one;

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

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

12 (5) remains with the dog or cat in a safe location
13 until the owner arrives, at which time the owner shall take
14 immediate custody of the dog or cat. If the owner does not
15 arrive before a law enforcement officer, emergency
16 responder, or animal control officer, the person shall
17 surrender the dog or cat to the law enforcement officer,
18 emergency responder, or animal control officer who shall
19 seek veterinary care if he or she deems necessary. If
20 veterinary care is not deemed necessary, the law
21 enforcement officer, emergency responder, or animal
22 control officer shall attempt to locate the owner and if
23 located, shall surrender the dog or cat to the owner. If
24 the law enforcement officer, emergency responder, or
25 animal control officer cannot locate the owner, animal
26 control shall take custody of the dog or cat under Section

1 9 of the Animal Control Act and notice shall be placed on
2 the vehicle's windshield with information of where the dog
3 or cat is located;

4 (6) uses no more force than necessary to enter the
5 vehicle to remove the dog or cat; and

6 (7) provides the person's name, address, telephone
7 number, and any other pertinent contact information to the
8 law enforcement officer, emergency responder, or animal
9 control officer.

10 (b) Sentence. Criminal trespass to vehicles is a Class A
11 misdemeanor.

12 (Source: P.A. 97-1108, eff. 1-1-13.)

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.