



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB3917

Introduced 2/22/2021, by Rep. Natalie A. Manley

#### SYNOPSIS AS INTRODUCED:

|                       |                         |
|-----------------------|-------------------------|
| 510 ILCS 70/1.5 new   |                         |
| 510 ILCS 70/3         | from Ch. 8, par. 703    |
| 510 ILCS 70/3.01      | from Ch. 8, par. 703.01 |
| 510 ILCS 70/3.02      |                         |
| 510 ILCS 70/3.025 new |                         |

Amends the Humane Care for Animals Act. Provides findings from the General Assembly concerning the priority of protecting animals from abuse. Provides for appropriate guidelines for enclosed structures for companion animals. Provides that humane care and treatment of animals includes appropriate exercise. Prohibits placing companion animals in life-threatening situations, when considering their age, health, and species. Provides that no person shall without legal justification knowingly or intentionally commit an act that causes a companion animal to suffer great bodily harm.

LRB102 15225 KMF 20580 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 changing Sections 2, 3, 3.01, 3.02 and 3.02-1 and by adding  
6 Sections 1.5 and 3.025 as follows:

7 (510 ILCS 70/1.5 new)

8 Sec. 1.5. Findings. The General Assembly finds that:

9 (1) Animals are sentient beings capable of feeling  
10 pain, sorrow, and fear as well as pleasure, joy, and  
11 contentment.

12 (2) Animals are a precious resource for the people of  
13 the State of Illinois.

14 (3) As such, the people of the State of Illinois have  
15 an obligation to protect animals from unnecessary pain and  
16 suffering.

17 (4) There is a direct correlation between the abuse of  
18 animals and violence against human beings.

19 (5) Therefore, the protection of animals from mental  
20 and physical abuse, sexual abuse, exploitation, and  
21 neglect is at the core of the duties and fundamental  
22 responsibilities of the General Assembly.

1 (510 ILCS 70/3) (from Ch. 8, par. 703)

2 Sec. 3. Owner's duties.

3 (a) Each owner shall provide for each of his or her  
4 animals:

5 (1) a sufficient quantity of good quality, wholesome  
6 food and water;

7 (2) adequate shelter and protection from the weather  
8 and, for companion animals, by means of an enclosed  
9 structure with appropriate ventilation, sufficient to  
10 protect the companion animal from all weather conditions  
11 suitable for the age, species, and physical condition of  
12 the animal so as to maintain the animal in a state of good  
13 health being free from disease or illness and in a  
14 condition of proper body weight and temperature for the  
15 age and species of the animal; the shelter shall provide  
16 adequate bedding to protect against cold and dampness and  
17 that is maintained to protect the domestic animal as to  
18 not jeopardize the animal's health; crates shall be of  
19 sufficient size to allow the animal to fully stretch its  
20 body out and move around;

21 (3) veterinary care so as to maintain the animal in a  
22 state of good health being free from disease or illness  
23 and in a condition of proper body weight and temperature  
24 for the age and species of the animal and when needed to  
25 prevent suffering; and

26 (4) humane care and treatment, including appropriate

1           exercise.

2           (b) To lawfully tether a dog outdoors, an owner must  
3 ensure that the dog:

4           (1) does not suffer from a condition that is known, by  
5 that person, to be exacerbated by tethering;

6           (2) is tethered in a manner that will prevent it from  
7 becoming entangled with other tethered dogs;

8           (3) is not tethered with a lead that (i) exceeds  
9 one-eighth of the dog's body weight or (ii) is a tow chain  
10 or a log chain;

11           (4) is tethered with a lead that measures, when  
12 rounded to the nearest whole foot, at least 10 feet in  
13 length;

14           (5) is tethered with a properly fitting harness or  
15 collar other than the lead or a pinch, prong, or  
16 choke-type collar; and

17           (6) is not tethered in a manner that will allow it to  
18 reach within the property of another person, a public  
19 walkway, or a road.

20           (c) Subsection (b) of this Section shall not be construed  
21 to prohibit:

22           (1) a person from walking a dog with a hand-held  
23 leash;

24           (2) conduct that is directly related to the  
25 cultivating of agricultural products, including  
26 shepherding or herding cattle or livestock, if the

1 restraint is reasonably necessary for the safety of the  
2 dog;

3 (3) the tethering of a dog while at an organized and  
4 lawful animal function, such as hunting, obedience  
5 training, performance and conformance events, or law  
6 enforcement training, or while in the pursuit of working  
7 or competing in those endeavors; or

8 (4) a dog restrained in compliance with the  
9 requirements of a camping or recreational area as defined  
10 by a federal, State, or local authority or jurisdiction.

11 (d) A person convicted of violating subsection (a) of this  
12 Section is guilty of a Class B misdemeanor. A second or  
13 subsequent violation of subsection (a) of this Section is a  
14 Class 4 felony with every day that a violation continues  
15 constituting a separate offense. In addition to any other  
16 penalty provided by law, upon conviction for violating  
17 subsection (a) of this Section, the court may order the  
18 convicted person to undergo a psychological or psychiatric  
19 evaluation and to undergo any treatment at the convicted  
20 person's expense that the court determines to be appropriate  
21 after due consideration of the evaluation. If the convicted  
22 person is a juvenile or a companion animal hoarder, the court  
23 must order the convicted person to undergo a psychological or  
24 psychiatric evaluation and to undergo treatment that the court  
25 determines to be appropriate after due consideration of the  
26 evaluation.

1 (e) A person convicted of violating subsection (b) of this  
2 Section is guilty of a Class B misdemeanor.

3 (f) As used in this Section, "tether" means to restrain by  
4 tying to an object or structure, including, without  
5 limitation, a house, tree, fence, post, garage, shed, or  
6 clothes line at a person's residence or business, by any  
7 means, including, without limitation, a chain, rope, cord,  
8 leash, or running line.

9 (Source: P.A. 98-101, eff. 1-1-14.)

10 (510 ILCS 70/3.01) (from Ch. 8, par. 703.01)

11 Sec. 3.01. Cruel treatment.

12 (a) No person or owner shall ~~may~~ beat, cruelly treat,  
13 torment, starve, overwork or otherwise abuse any animal.

14 (b) No owner shall ~~may~~ abandon any animal where it may  
15 become a public charge or may experience pain and suffering  
16 from ~~suffer~~ injury, hunger or exposure.

17 (c) No owner of a dog or cat that is a companion animal  
18 shall ~~may~~ expose the dog or cat in a manner that places the dog  
19 or cat in a life-threatening situation based on the animal's  
20 age, health, or species, ~~for a prolonged period of time~~ in  
21 extreme heat or cold conditions that:

22 (1) may result ~~results~~ in injury to or death of the  
23 animal; or

24 (2) may result ~~results~~ in hypothermia, hyperthermia,  
25 frostbite, or similar condition as diagnosed by a doctor

1 of veterinary medicine.

2 (c-5) Nothing in this Section shall prohibit an animal  
3 from being impounded in an emergency situation under  
4 subsection (b) of Section 12 of this Act.

5 (c-10) Nothing in this Section shall prohibit a law  
6 enforcement officer from taking temporary custody of a dog or  
7 cat that is a companion animal that is exposed in a manner that  
8 places the dog or cat in a life-threatening situation ~~for a~~  
9 ~~prolonged period of time~~ in extreme heat or cold conditions  
10 that may result in injury or death of the dog or cat or may  
11 result in hypothermia, hyperthermia, frostbite, or similar  
12 condition. Upon taking temporary custody of the dog or cat  
13 under this subsection (c-10), the law enforcement officer  
14 shall attempt to contact the owner of the dog or cat and shall  
15 seek emergency veterinary care for the animal as soon as  
16 available. The law enforcement officer shall leave information  
17 of the location of the dog or cat if the owner cannot be  
18 reached. The owner of the dog or cat is responsible for any  
19 costs of providing care to the dog or cat.

20 (d) A person convicted of violating this Section is guilty  
21 of a Class A misdemeanor. A second or subsequent conviction  
22 for a violation of this Section is a Class 4 felony. In  
23 addition to any other penalty provided by law, a person who is  
24 convicted of violating subsection (a) upon a companion animal  
25 in the presence of a child, as defined in Section 12-0.1 of the  
26 Criminal Code of 2012, shall be subject to a fine of \$250 and

1 ordered to perform community service for not less than 100  
2 hours. In addition to any other penalty provided by law, upon  
3 conviction for violating this Section, the court may order the  
4 convicted person to undergo a psychological or psychiatric  
5 evaluation and to undergo any treatment at the convicted  
6 person's expense that the court determines to be appropriate  
7 after due consideration of the evidence. If the convicted  
8 person is a juvenile or a companion animal hoarder, the court  
9 must order the convicted person to undergo a psychological or  
10 psychiatric evaluation and to undergo treatment that the court  
11 determines to be appropriate after due consideration of the  
12 evaluation.

13 (Source: P.A. 99-311, eff. 1-1-16; 99-357, eff. 1-1-16;  
14 99-642, eff. 7-28-16; 99-782, eff. 8-12-16; 100-740, eff.  
15 1-1-19.)

16 (510 ILCS 70/3.02)

17 Sec. 3.02. Aggravated cruelty.

18 (a) No person shall without legal justification knowingly  
19 or may intentionally commit an act that causes a companion  
20 animal to suffer great bodily harm ~~serious injury or death.~~  
21 ~~Aggravated cruelty does not include euthanasia of a companion~~  
22 ~~animal through recognized methods approved by the Department~~  
23 ~~of Agriculture unless prohibited under subsection (b).~~

24 (b) (Blank). ~~No individual, except a licensed veterinarian~~  
25 ~~as exempted under Section 3.09, may knowingly or intentionally~~



1 ~~ethanize or authorize the euthanasia of a companion animal by~~  
2 ~~use of carbon monoxide.~~

3 (c) A person convicted of violating Section 3.02 is guilty  
4 of a Class 4 felony. A second or subsequent violation is a  
5 Class 3 felony. In addition to any other penalty provided by  
6 law, upon conviction for violating this Section, the court may  
7 order the convicted person to undergo a psychological or  
8 psychiatric evaluation and to undergo any treatment at the  
9 convicted person's expense that the court determines to be  
10 appropriate after due consideration of the evaluation. If the  
11 convicted person is a juvenile or a companion animal hoarder,  
12 the court must order the convicted person to undergo a  
13 psychological or psychiatric evaluation and to undergo  
14 treatment that the court determines to be appropriate after  
15 due consideration of the evaluation.

16 (Source: P.A. 96-780, eff. 8-28-09.)

17 (510 ILCS 70/3.025 new)

18 Sec. 3.025. Unlawful theriocide of a companion animal.

19 (a) No person shall without legal justification knowingly  
20 or intentionally commit an act that causes the death of a  
21 companion animal. Unlawful theriocide does not include  
22 euthanasia of a companion animal through recognized methods  
23 approved by the Department of Agriculture unless prohibited  
24 under subsection (b).

25 (b) No individual, except a licensed veterinarian as

1 exempted under Section 3.09, may knowingly or intentionally  
2  euthanize or authorize the euthanasia of a companion animal by  
3  use of carbon monoxide.

4 (c) A person convicted of violating this Section is guilty  
5  of a Class 3 felony. A second or subsequent violation is a  
6  Class 2 felony. In addition to any other penalty provided by  
7  law, upon conviction for violating this Section, the court  
8  shall order the convicted person to undergo a psychological or  
9  psychiatric evaluation and to undergo any treatment at the  
10  convicted person's expense that the court determines to be  
11  appropriate after due consideration of the evaluation. If the  
12  convicted person is a juvenile or a companion animal hoarder,  
13  the court shall order the convicted person to undergo a  
14  psychological or psychiatric evaluation and to undergo  
15  treatment that the court determines to be appropriate after  
16  due consideration of the evaluation.