

# HB4446



## 103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

**HB4446**

Introduced 1/16/2024, by Rep. Daniel Didech

### SYNOPSIS AS INTRODUCED:

720 ILCS 5/48-10

Amends provisions of the Criminal Code of 2012 making it an offense to keep a dangerous animal, with specified exceptions. In the definition of "dangerous animal", includes a serval, caracal, kangaroo, and wallaby and any hybrid, intergrade, or cross of a listed dangerous animal.

LRB103 37239 RLC 67359 b

A BILL FOR

1 AN ACT concerning criminal law.

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

4 Section 5. The Criminal Code of 2012 is amended by  
5 changing Section 48-10 as follows:

6 (720 ILCS 5/48-10)

7 Sec. 48-10. Dangerous animals.

8 (a) Definitions. As used in this Section, unless the  
9 context otherwise requires:

10 "Dangerous animal" means a lion, tiger, leopard,  
11 ocelot, jaguar, cheetah, margay, mountain lion, lynx,  
12 bobcat, jaguarundi, serval, bear, hyena, wolf, ~~or~~ coyote,  
13 caracal, kangaroo, or wallaby or any hybrid, intergrade,  
14 or cross thereof. Dangerous animal does not mean any  
15 herptiles included in the Herptiles-Herps Act.

16 "Owner" means any person who (1) has a right of  
17 property in a dangerous animal or primate, (2) keeps or  
18 harbors a dangerous animal or primate, (3) has a dangerous  
19 animal or primate in his or her care, or (4) acts as  
20 custodian of a dangerous animal or primate.

21 "Person" means any individual, firm, association,  
22 partnership, corporation, or other legal entity, any  
23 public or private institution, the State, or any municipal

1 corporation or political subdivision of the State.

2 "Primate" means a nonhuman member of the order  
3 primate, including but not limited to chimpanzee, gorilla,  
4 orangutan, bonobo, gibbon, monkey, lemur, loris, aye-aye,  
5 and tarsier.

6 (b) Dangerous animal or primate offense. No person shall  
7 have a right of property in, keep, harbor, care for, act as  
8 custodian of or maintain in his or her possession any  
9 dangerous animal or primate except at a properly maintained  
10 zoological park, federally licensed exhibit, circus, college  
11 or university, scientific institution, research laboratory,  
12 veterinary hospital, hound running area, or animal refuge in  
13 an escape-proof enclosure.

14 (c) Exemptions.

15 (1) This Section does not prohibit a person who had  
16 lawful possession of a primate before January 1, 2011,  
17 from continuing to possess that primate if the person  
18 registers the animal by providing written notification to  
19 the local animal control administrator on or before April  
20 1, 2011. The notification shall include:

21 (A) the person's name, address, and telephone  
22 number; and

23 (B) the type of primate, the age, a photograph, a  
24 description of any tattoo, microchip, or other  
25 identifying information, and a list of current  
26 inoculations.

1           (2) This Section does not prohibit a person who has a  
2 permanent disability with a severe mobility impairment  
3 from possessing a single capuchin monkey to assist the  
4 person in performing daily tasks if:

5           (A) the capuchin monkey was obtained from and  
6 trained at a licensed nonprofit organization described  
7 in Section 501(c)(3) of the Internal Revenue Code of  
8 1986, the nonprofit tax status of which was obtained  
9 on the basis of a mission to improve the quality of  
10 life of severely mobility-impaired individuals; and

11           (B) the person complies with the notification  
12 requirements as described in paragraph (1) of this  
13 subsection (c).

14           (d) A person who registers a primate shall notify the  
15 local animal control administrator within 30 days of a change  
16 of address. If the person moves to another locality within the  
17 State, the person shall register the primate with the new  
18 local animal control administrator within 30 days of moving by  
19 providing written notification as provided in paragraph (1) of  
20 subsection (c) and shall include proof of the prior  
21 registration.

22           (e) A person who registers a primate shall notify the  
23 local animal control administrator immediately if the primate  
24 dies, escapes, or bites, scratches, or injures a person.

25           (f) It is no defense to a violation of subsection (b) that  
26 the person violating subsection (b) has attempted to

1 domesticate the dangerous animal. If there appears to be  
2 imminent danger to the public, any dangerous animal found not  
3 in compliance with the provisions of this Section shall be  
4 subject to seizure and may immediately be placed in an  
5 approved facility. Upon the conviction of a person for a  
6 violation of subsection (b), the animal with regard to which  
7 the conviction was obtained shall be confiscated and placed in  
8 an approved facility, with the owner responsible for all costs  
9 connected with the seizure and confiscation of the animal.  
10 Approved facilities include, but are not limited to, a  
11 zoological park, federally licensed exhibit, humane society,  
12 veterinary hospital or animal refuge.

13 (g) Sentence. Any person violating this Section is guilty  
14 of a Class C misdemeanor. Any corporation or partnership, any  
15 officer, director, manager or managerial agent of the  
16 partnership or corporation who violates this Section or causes  
17 the partnership or corporation to violate this Section is  
18 guilty of a Class C misdemeanor. Each day of violation  
19 constitutes a separate offense.

20 (Source: P.A. 98-752, eff. 1-1-15; 99-143, eff. 7-27-15.)