

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 3. The Veterinary Medicine and Surgery Practice
5 Act of 2004 is amended by changing Section 18 as follows:

6 (225 ILCS 115/18) (from Ch. 111, par. 7018)

7 (Section scheduled to be repealed on January 1, 2029)

8 Sec. 18. Unless otherwise contractually provided between
9 veterinarian and client, a veterinarian may dispose of any
10 animal abandoned in his establishment, provided he shall give
11 notice of his intention to do so to the owner at the last-known
12 address by certified mail, return receipt requested, and shall
13 allow a period of 7 days to elapse after the receipt is
14 returned before disposing of such animal. But if the owner
15 cannot be located at such address, the veterinarian shall give
16 such notice by publication in a newspaper published and having
17 a circulation in the area in which such owner was last known to
18 reside and shall allow a period of 7 days to elapse after such
19 publication before disposing of such animal.

20 A veterinarian who, on his own initiative or other than at
21 the request of the owner, gives emergency treatment to a sick
22 or injured animal, including a dangerous animal as defined in
23 Section 48-10 of the Criminal Code of 2012, shall not be liable

1 for damages in the absence of gross negligence. If the
2 veterinarian performs a euthanasic act on an animal, there is
3 the presumption that such was a humane act necessary to
4 relieve the animal of suffering.

5 (Source: P.A. 83-1016.)

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

8 (720 ILCS 5/48-10)

9 Sec. 48-10. Dangerous animals.

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

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

18 "Federally licensed facility" means any commercial
19 animal dealer, exhibitor, research facility, or animal
20 transporter that is licensed and regulated by the United
21 States Government.

22 "Owner" means any person who (1) has a right of
23 property in a dangerous animal or primate, (2) keeps or
24 harbors a dangerous animal or primate, (3) has a dangerous

1 animal or primate in his or her care, or (4) acts as
2 custodian of a dangerous animal or primate.

3 "Person" means any individual, firm, association,
4 partnership, corporation, or other legal entity, any
5 public or private institution, the State, or any municipal
6 corporation or political subdivision of the State.

7 "Primate" means a nonhuman member of the order
8 primate, including but not limited to chimpanzee, gorilla,
9 orangutan, bonobo, gibbon, monkey, lemur, loris, aye-aye,
10 and tarsier.

11 (b) Dangerous animal or primate offense. No person shall
12 have a right of property in, keep, harbor, care for, act as
13 custodian of or maintain in his or her possession any
14 dangerous animal or primate except at or by a:

15 (1) federally licensed facility,

16 (2) veterinary hospital, or

17 (3) permitted hound running area and only for
18 possession of coyotes.

19 The exemptions listed in this Section do not exempt
20 persons from having to be in compliance with the Wildlife Code
21 or the Endangered Species Act, including, but not limited to,
22 prohibitions on possession of any dangerous animal.

23 ~~properly maintained zoological park, federally licensed~~
24 ~~exhibit, circus, college or university, scientific~~
25 ~~institution, research laboratory, veterinary hospital, hound~~
26 ~~running area, or animal refuge in an escape proof enclosure.~~

1 (c) Exemptions.

2 (1) This Section does not prohibit a person who had
3 lawful possession of a primate before January 1, 2011,
4 from continuing to possess that primate if the person
5 registers the animal by providing written notification to
6 the local animal control administrator on or before April
7 1, 2011. The notification shall include:

8 (A) the person's name, address, and telephone
9 number; and

10 (B) the type of primate, the age, a photograph, a
11 description of any tattoo, microchip, or other
12 identifying information, and a list of current
13 inoculations.

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

18 (A) the capuchin monkey was obtained from and
19 trained at a licensed nonprofit organization described
20 in Section 501(c)(3) of the Internal Revenue Code of
21 1986, the nonprofit tax status of which was obtained
22 on the basis of a mission to improve the quality of
23 life of severely mobility-impaired individuals; and

24 (B) the person complies with the notification
25 requirements as described in paragraph (1) of this
26 subsection (c).

1 (3) It is an affirmative defense for a prosecution
2 under this Section if a person had lawful possession of a
3 feline crossbreed between a serval cat and a domesticated
4 cat and the possessor of the animal proves that the
5 possessor possessed the animal before the effective date
6 of this amendatory Act of the 103rd General Assembly.

7 (d) A person who registers a primate shall notify the
8 local animal control administrator within 30 days of a change
9 of address. If the person moves to another locality within the
10 State, the person shall register the primate with the new
11 local animal control administrator within 30 days of moving by
12 providing written notification as provided in paragraph (1) of
13 subsection (c) and shall include proof of the prior
14 registration.

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

18 (f) It is no defense to a violation of subsection (b) that
19 the person violating subsection (b) has attempted to
20 domesticate the dangerous animal. If there appears to be
21 imminent danger to the public, any dangerous animal found not
22 in compliance with the provisions of this Section shall be
23 subject to seizure and may immediately be placed in a
24 federally licensed ~~an approved~~ facility or veterinary
25 hospital. Upon the conviction of a person for a violation of
26 subsection (b), the animal with regard to which the conviction

1 was obtained shall be confiscated and placed in a licensed ~~an~~
2 ~~approved~~ facility, with the owner responsible for all costs
3 connected with the seizure and confiscation of the animal.
4 ~~Approved facilities include, but are not limited to, a~~
5 ~~zoological park, federally licensed exhibit, humane society,~~
6 ~~veterinary hospital or animal refuge.~~

7 (g) Sentence. Any person violating this Section is guilty
8 of a Class C misdemeanor. Any corporation or partnership, any
9 officer, director, manager or managerial agent of the
10 partnership or corporation who violates this Section or causes
11 the partnership or corporation to violate this Section is
12 guilty of a Class C misdemeanor. Each day of violation
13 constitutes a separate offense.

14 (h) Nothing in this Section shall be construed to apply to
15 a motion picture, television, or digital media production
16 company employing or contracting with a dealer or exhibitor
17 licensed under Section 3 of the federal Animal Welfare Act (7
18 U.S.C. 2133) or with a carrier, intermediate handler, or
19 unlicensed exhibitor registered under Section 6 of that Act (7
20 U.S.C. 2136) for the transportation, purchase, exhibition, or
21 use of animals in its motion picture, television, or digital
22 media production.

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