



Rep. Daniel Didech

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10300HB4446ham001

LRB103 37239 RLC 70165 a

1 AMENDMENT TO HOUSE BILL 4446

2 AMENDMENT NO. _____. Amend House Bill 4446 by replacing
3 everything after the enacting clause with the following:

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, wallaby, or any hybrid, intergrade, or
14 cross thereof. Dangerous animal does not mean any
15 herptiles included in the Herptiles-Herps Act.

16 "Federally licensed facility" means any commercial

1 animal dealer, exhibitor, research facility, or animal
2 transporter that is licensed and regulated by the United
3 States Government.

4 "Owner" means any person who (1) has a right of
5 property in a dangerous animal or primate, (2) keeps or
6 harbors a dangerous animal or primate, (3) has a dangerous
7 animal or primate in his or her care, or (4) acts as
8 custodian of a dangerous animal or primate.

9 "Person" means any individual, firm, association,
10 partnership, corporation, or other legal entity, any
11 public or private institution, the State, or any municipal
12 corporation or political subdivision of the State.

13 "Primate" means a nonhuman member of the order
14 primate, including but not limited to chimpanzee, gorilla,
15 orangutan, bonobo, gibbon, monkey, lemur, loris, aye-aye,
16 and tarsier.

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

21 (1) federally licensed facility,

22 (2) veterinary hospital, or

23 (3) permitted hound running area and only for
24 possession of coyotes.

25 The exemptions listed in this Section do not exempt
26 persons from having to be in compliance with the Wildlife Code

1 or the Endangered Species Act, including, but not limited to,
2 prohibitions on possession of any dangerous animal.

3 ~~properly maintained zoological park, federally licensed~~
4 ~~exhibit, circus, college or university, scientific~~
5 ~~institution, research laboratory, veterinary hospital, hound~~
6 ~~running area, or animal refuge in an escape proof enclosure.~~

7 (c) Exemptions.

8 (1) This Section does not prohibit a person who had
9 lawful possession of a primate before January 1, 2011,
10 from continuing to possess that primate if the person
11 registers the animal by providing written notification to
12 the local animal control administrator on or before April
13 1, 2011. The notification shall include:

14 (A) the person's name, address, and telephone
15 number; and

16 (B) the type of primate, the age, a photograph, a
17 description of any tattoo, microchip, or other
18 identifying information, and a list of current
19 inoculations.

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

24 (A) the capuchin monkey was obtained from and
25 trained at a licensed nonprofit organization described
26 in Section 501(c)(3) of the Internal Revenue Code of

1 1986, the nonprofit tax status of which was obtained
2 on the basis of a mission to improve the quality of
3 life of severely mobility-impaired individuals; and

4 (B) the person complies with the notification
5 requirements as described in paragraph (1) of this
6 subsection (c).

7 (3) It is an affirmative defense for a prosecution
8 under this Section if a person had lawful possession of a
9 feline crossbreed between a serval cat and a domesticated
10 cat and the possessor of the animal proves that the
11 possessor possessed the animal before the effective date
12 of this amendatory Act of the 103rd General Assembly.

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

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

24 (f) It is no defense to a violation of subsection (b) that
25 the person violating subsection (b) has attempted to
26 domesticate the dangerous animal. If there appears to be

1 imminent danger to the public, any dangerous animal found not
2 in compliance with the provisions of this Section shall be
3 subject to seizure and may immediately be placed in a
4 federally licensed ~~an approved~~ facility or veterinary
5 hospital. Upon the conviction of a person for a violation of
6 subsection (b), the animal with regard to which the conviction
7 was obtained shall be confiscated and placed in an approved
8 facility, with the owner responsible for all costs connected
9 with the seizure and confiscation of the animal. ~~Approved~~
10 ~~facilities include, but are not limited to, a zoological park,~~
11 ~~federally licensed exhibit, humane society, veterinary~~
12 ~~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 (h) Nothing in this Section shall be construed to apply to
21 a motion picture, television, or digital media production
22 company employing or contracting with a dealer or exhibitor
23 licensed under Section 3 of the federal Animal Welfare Act (7
24 U.S.C. 2133) or with a carrier, intermediate handler, or
25 unlicensed exhibitor registered under Section 6 of that Act (7
26 U.S.C. 2136) for the transportation, purchase, exhibition, or

1 use of animals in its motion picture, television, or digital
2 media production.

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