



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB4044

Introduced 2/28/2005, by Rep. Mike Boland

SYNOPSIS AS INTRODUCED:

510 ILCS 70/4.01

from Ch. 8, par. 704.01

Amends the Humane Care for Animals Act. Provides that restrictions concerning animals in entertainment shall not be construed to refer to activities covered under the Wildlife Code. Effective immediately.

LRB094 11595 RCE 42654 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 Section 4.01 as follows:

6 (510 ILCS 70/4.01) (from Ch. 8, par. 704.01)

7 Sec. 4.01. Animals in entertainment. This Section shall not
8 be construed to refer to activities covered under the Wildlife
9 Code. This Section does not apply when the only animals
10 involved are dogs. (Section 26-5 of the Criminal Code of 1961,
11 rather than this Section, applies when the only animals
12 involved are dogs.)

13 (a) No person may own, capture, breed, train, or lease any
14 animal which he or she knows or should know is intended for use
15 in any show, exhibition, program, or other activity featuring
16 or otherwise involving a fight between such animal and any
17 other animal or human, or the intentional killing of any animal
18 for the purpose of sport, wagering, or entertainment.

19 (b) No person shall promote, conduct, carry on, advertise,
20 collect money for or in any other manner assist or aid in the
21 presentation for purposes of sport, wagering, or
22 entertainment, any show, exhibition, program, or other
23 activity involving a fight between 2 or more animals or any
24 animal and human, or the intentional killing of any animal.

25 (c) No person shall sell or offer for sale, ship,
26 transport, or otherwise move, or deliver or receive any animal
27 which he or she knows or should know has been captured, bred,
28 or trained, or will be used, to fight another animal or human
29 or be intentionally killed, for the purpose of sport, wagering,
30 or entertainment.

31 (d) No person shall manufacture for sale, shipment,
32 transportation or delivery any device or equipment which that

1 person knows or should know is intended for use in any show,
2 exhibition, program, or other activity featuring or otherwise
3 involving a fight between 2 or more animals, or any human and
4 animal, or the intentional killing of any animal for purposes
5 of sport, wagering or entertainment.

6 (e) No person shall own, possess, sell or offer for sale,
7 ship, transport, or otherwise move any equipment or device
8 which such person knows or should know is intended for use in
9 connection with any show, exhibition, program, or activity
10 featuring or otherwise involving a fight between 2 or more
11 animals, or any animal and human, or the intentional killing of
12 any animal for purposes of sport, wagering or entertainment.

13 (f) No person shall make available any site, structure, or
14 facility, whether enclosed or not, which he or she knows or
15 should know is intended to be used for the purpose of
16 conducting any show, exhibition, program, or other activity
17 involving a fight between 2 or more animals, or any animal and
18 human, or the intentional killing of any animal.

19 (g) No person shall attend or otherwise patronize any show,
20 exhibition, program, or other activity featuring or otherwise
21 involving a fight between 2 or more animals, or any animal and
22 human, or the intentional killing of any animal for the
23 purposes of sport, wagering or entertainment.

24 (h) (Blank).

25 (i) Any animals or equipment involved in a violation of
26 this Section shall be immediately seized and impounded under
27 Section 12 by the Department when located at any show,
28 exhibition, program, or other activity featuring or otherwise
29 involving an animal fight for the purposes of sport, wagering,
30 or entertainment.

31 (j) Any vehicle or conveyance other than a common carrier
32 that is used in violation of this Section shall be seized,
33 held, and offered for sale at public auction by the sheriff's
34 department of the proper jurisdiction, and the proceeds from
35 the sale shall be remitted to the general fund of the county
36 where the violation took place.

1 (k) Any veterinarian in this State who is presented with an
2 animal for treatment of injuries or wounds resulting from
3 fighting where there is a reasonable possibility that the
4 animal was engaged in or utilized for a fighting event for the
5 purposes of sport, wagering, or entertainment shall file a
6 report with the Department and cooperate by furnishing the
7 owners' names, dates, and descriptions of the animal or animals
8 involved. Any veterinarian who in good faith complies with the
9 requirements of this subsection has immunity from any
10 liability, civil, criminal, or otherwise, that may result from
11 his or her actions. For the purposes of any proceedings, civil
12 or criminal, the good faith of the veterinarian shall be
13 rebuttably presumed.

14 (l) No person shall solicit a minor to violate this
15 Section.

16 (m) The penalties for violations of this Section shall be
17 as follows:

18 (1) A person convicted of violating subsection (a),
19 (b), or (c) of this Section or any rule, regulation, or
20 order of the Department pursuant thereto is guilty of a
21 Class A misdemeanor for the first offense. A second or
22 subsequent offense involving the violation of subsection
23 (a), (b), or (c) of this Section or any rule, regulation,
24 or order of the Department pursuant thereto is a Class 4
25 felony.

26 (2) A person convicted of violating subsection (d),
27 (e), or (f) of this Section or any rule, regulation, or
28 order of the Department pursuant thereto is guilty of a
29 Class A misdemeanor for the first offense. A second or
30 subsequent violation is a Class 4 felony.

31 (3) A person convicted of violating subsection (g) of
32 this Section or any rule, regulation, or order of the
33 Department pursuant thereto is guilty of a Class C
34 misdemeanor.

35 (4) A person convicted of violating subsection (l) of
36 this Section is guilty of a Class A misdemeanor.

1 (Source: P.A. 92-425, eff. 1-1-02; 92-454, eff. 1-1-02; 92-650,
2 eff. 7-11-02; 92-651, eff. 7-11-02; revised 11-21-02.)

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.