

# HB0069



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB0069

Introduced 1/14/2009, by Rep. Marlow H. Colvin

#### SYNOPSIS AS INTRODUCED:

510 ILCS 70/4.01  
720 ILCS 5/26-5

from Ch. 8, par. 704.01

Amends the Humane Care for Animals Act. Increases criminal penalties for certain activities related to the use of animals, except dogs, for sport fighting. Amends the Criminal Code of 1961. Increases criminal penalties for certain activities related to dog fighting. Effective immediately.

LRB096 04052 JDS 14090 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

A BILL FOR

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 does not  
8 apply when the only animals involved are dogs. (Section 26-5 of  
9 the Criminal Code of 1961, rather than this Section, applies  
10 when the only animals involved are dogs.)

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

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

23 (c) No person shall sell or offer for sale, ship,

1 transport, or otherwise move, or deliver or receive any animal  
2 which he or she knows or should know has been captured, bred,  
3 or trained, or will be used, to fight another animal or human  
4 or be intentionally killed, for the purpose of sport, wagering,  
5 or entertainment.

6 (d) No person shall manufacture for sale, shipment,  
7 transportation or delivery any device or equipment which that  
8 person knows or should know is intended for use in any show,  
9 exhibition, program, or other activity featuring or otherwise  
10 involving a fight between 2 or more animals, or any human and  
11 animal, or the intentional killing of any animal for purposes  
12 of sport, wagering or entertainment.

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

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

26 (g) No person shall attend or otherwise patronize any show,

1 exhibition, program, or other activity featuring or otherwise  
2 involving a fight between 2 or more animals, or any animal and  
3 human, or the intentional killing of any animal for the  
4 purposes of sport, wagering or entertainment.

5 (h) (Blank).

6 (i) Any animals or equipment involved in a violation of  
7 this Section shall be immediately seized and impounded under  
8 Section 12 by the Department when located at any show,  
9 exhibition, program, or other activity featuring or otherwise  
10 involving an animal fight for the purposes of sport, wagering,  
11 or entertainment.

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

18 (k) Any veterinarian in this State who is presented with an  
19 animal for treatment of injuries or wounds resulting from  
20 fighting where there is a reasonable possibility that the  
21 animal was engaged in or utilized for a fighting event for the  
22 purposes of sport, wagering, or entertainment shall file a  
23 report with the Department and cooperate by furnishing the  
24 owners' names, dates, and descriptions of the animal or animals  
25 involved. Any veterinarian who in good faith complies with the  
26 requirements of this subsection has immunity from any

1 liability, civil, criminal, or otherwise, that may result from  
2 his or her actions. For the purposes of any proceedings, civil  
3 or criminal, the good faith of the veterinarian shall be  
4 rebuttably presumed.

5 (l) No person shall solicit a minor to violate this  
6 Section.

7 (m) The penalties for violations of this Section shall be  
8 as follows:

9 (1) A person convicted of violating subsection (a),  
10 (b), or (c) of this Section or any rule, regulation, or  
11 order of the Department pursuant thereto is guilty of a  
12 Class 4 felony for the first offense. A second or  
13 subsequent offense involving the violation of subsection  
14 (a), (b), or (c) of this Section or any rule, regulation,  
15 or order of the Department pursuant thereto is a Class 3  
16 felony.

17 (2) A person convicted of violating subsection (d),  
18 (e), or (f) of this Section or any rule, regulation, or  
19 order of the Department pursuant thereto is guilty of a  
20 Class 4 felony ~~A misdemeanor~~ for the first offense. A  
21 second or subsequent violation is a Class 3 4 felony.

22 (3) A person convicted of violating subsection (g) of  
23 this Section or any rule, regulation, or order of the  
24 Department pursuant thereto is guilty of a Class 4 felony  
25 for the first offense. A second or subsequent violation is  
26 a Class 3 felony ~~C misdemeanor~~.

1           (4) A person convicted of violating subsection (1) of  
2           this Section is guilty of a Class 4 felony for the first  
3           offense. A second or subsequent violation is a Class 3  
4           felony ~~A misdemeanor.~~

5           (Source: P.A. 95-331, eff. 8-21-07; 95-560, eff. 8-30-07.)

6           Section 10. The Criminal Code of 1961 is amended by  
7           changing Section 26-5 as follows:

8           (720 ILCS 5/26-5)

9           Sec. 26-5. Dog fighting. (For other provisions that may  
10          apply to dog fighting, see the Humane Care for Animals Act. For  
11          provisions similar to this Section that apply to animals other  
12          than dogs, see in particular Section 4.01 of the Humane Care  
13          for Animals Act.)

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

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

1 intentional killing of any dog.

2 (c) No person may sell or offer for sale, ship, transport,  
3 or otherwise move, or deliver or receive any dog which he or  
4 she knows has been captured, bred, or trained, or will be used,  
5 to fight another dog or human or be intentionally killed for  
6 purposes of sport, wagering, or entertainment.

7 (c-5) No person may solicit a minor to violate this  
8 Section.

9 (d) No person may manufacture for sale, shipment,  
10 transportation, or delivery any device or equipment which he or  
11 she knows or should know is intended for use in any show,  
12 exhibition, program, or other activity featuring or otherwise  
13 involving a fight between 2 or more dogs, or any human and dog,  
14 or the intentional killing of any dog for purposes of sport,  
15 wagering, or entertainment.

16 (e) No person may own, possess, sell or offer for sale,  
17 ship, transport, or otherwise move any equipment or device  
18 which he or she knows or should know is intended for use in  
19 connection with any show, exhibition, program, or activity  
20 featuring or otherwise involving a fight between 2 or more  
21 dogs, or any dog and human, or the intentional killing of any  
22 dog for purposes of sport, wagering or entertainment.

23 (f) No person may knowingly make available any site,  
24 structure, or facility, whether enclosed or not, that he or she  
25 knows is intended to be used for the purpose of conducting any  
26 show, exhibition, program, or other activity involving a fight

1 between 2 or more dogs, or any dog and human, or the  
2 intentional killing of any dog or knowingly manufacture,  
3 distribute, or deliver fittings to be used in a fight between 2  
4 or more dogs or a dog and human.

5 (g) No person may attend or otherwise patronize any show,  
6 exhibition, program, or other activity featuring or otherwise  
7 involving a fight between 2 or more dogs, or any dog and human,  
8 or the intentional killing of any dog for purposes of sport,  
9 wagering, or entertainment.

10 (h) No person may tie or attach or fasten any live animal  
11 to any machine or device propelled by any power for the purpose  
12 of causing the animal to be pursued by a dog or dogs. This  
13 subsection (h) applies only when the dog is intended to be used  
14 in a dog fight.

15 (i) Penalties for violations of this Section shall be as  
16 follows:

17 (1) Any person convicted of violating subsection (a),  
18 (b), or (c) of this Section is guilty of a Class 4 felony  
19 for a first violation and a Class 3 felony for a second or  
20 subsequent violation, and may be fined an amount not to  
21 exceed \$50,000.

22 (1.5) A person who knowingly owns a dog for fighting  
23 purposes or for producing a fight between 2 or more dogs or  
24 a dog and human or who knowingly offers for sale or sells a  
25 dog bred for fighting is guilty of a Class 3 felony and may  
26 be fined an amount not to exceed \$50,000, if the dog



1 participates in a dogfight and any of the following factors  
2 is present:

3 (i) the dogfight is performed in the presence of a  
4 person under 18 years of age;

5 (ii) the dogfight is performed for the purpose of  
6 or in the presence of illegal wagering activity; or

7 (iii) the dogfight is performed in furtherance of  
8 streetgang related activity as defined in Section 10 of  
9 the Illinois Streetgang Terrorism Omnibus Prevention  
10 Act.

11 (1.7) A person convicted of violating subsection (c-5)  
12 of this Section is guilty of a Class 4 felony.

13 (2) Any person convicted of violating subsection (d) or  
14 (e) of this Section is guilty of a Class 4 felony ~~A~~  
15 ~~misdemeanor~~ for a first violation. A second or subsequent  
16 violation of subsection (d) or (e) of this Section is a  
17 Class 3 felony.

18 (2.5) Any person convicted of violating subsection (f)  
19 of this Section is guilty of a Class 4 felony.

20 (3) Any person convicted of violating subsection (g) of  
21 this Section is guilty of a Class 4 felony ~~A misdemeanor~~  
22 for a first violation. A second or subsequent violation of  
23 subsection (g) of this Section is a Class 3 ~~4~~ felony. If a  
24 person under 13 years of age is present at any show,  
25 exhibition, program, or other activity prohibited in  
26 subsection (g), the parent, legal guardian, or other person

1           who is 18 years of age or older who brings that person  
2           under 13 years of age to that show, exhibition, program, or  
3           other activity is guilty of a Class 4 felony for a first  
4           violation and a Class 3 felony for a second or subsequent  
5           violation.

6           (j) Any dog or equipment involved in a violation of this  
7           Section shall be immediately seized and impounded under Section  
8           12 of the Humane Care for Animals Act when located at any show,  
9           exhibition, program, or other activity featuring or otherwise  
10          involving a dog fight for the purposes of sport, wagering, or  
11          entertainment.

12          (k) Any vehicle or conveyance other than a common carrier  
13          that is used in violation of this Section shall be seized,  
14          held, and offered for sale at public auction by the sheriff's  
15          department of the proper jurisdiction, and the proceeds from  
16          the sale shall be remitted to the general fund of the county  
17          where the violation took place.

18          (l) Any veterinarian in this State who is presented with a  
19          dog for treatment of injuries or wounds resulting from fighting  
20          where there is a reasonable possibility that the dog was  
21          engaged in or utilized for a fighting event for the purposes of  
22          sport, wagering, or entertainment shall file a report with the  
23          Department of Agriculture and cooperate by furnishing the  
24          owners' names, dates, and descriptions of the dog or dogs  
25          involved. Any veterinarian who in good faith complies with the  
26          requirements of this subsection has immunity from any

1 liability, civil, criminal, or otherwise, that may result from  
2 his or her actions. For the purposes of any proceedings, civil  
3 or criminal, the good faith of the veterinarian shall be  
4 rebuttably presumed.

5 (m) In addition to any other penalty provided by law, upon  
6 conviction for violating this Section, the court may order that  
7 the convicted person and persons dwelling in the same household  
8 as the convicted person who conspired, aided, or abetted in the  
9 unlawful act that was the basis of the conviction, or who knew  
10 or should have known of the unlawful act, may not own, harbor,  
11 or have custody or control of any dog or other animal for a  
12 period of time that the court deems reasonable.

13 (n) A violation of subsection (a) of this Section may be  
14 inferred from evidence that the accused possessed any device or  
15 equipment described in subsection (d), (e), or (h) of this  
16 Section, and also possessed any dog.

17 (o) When no longer required for investigations or court  
18 proceedings relating to the events described or depicted  
19 therein, evidence relating to convictions for violations of  
20 this Section shall be retained and made available for use in  
21 training peace officers in detecting and identifying  
22 violations of this Section. Such evidence shall be made  
23 available upon request to other law enforcement agencies and to  
24 schools certified under the Illinois Police Training Act.

25 (Source: P.A. 94-820, eff. 1-1-07.)

26 Section 99. Effective date. This Act takes effect upon

1 becoming law.