

HB3984



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB3984

Introduced 2/26/2009, by Rep. Mike Boland

SYNOPSIS AS INTRODUCED:

720 ILCS 5/26-5

Amends the Criminal Code of 1961. Increases the penalties by one class for violations of the statute concerning dog fighting.

LRB096 08275 RLC 18383 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

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 1961 is amended by changing
5 Section 26-5 as follows:

6 (720 ILCS 5/26-5)

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

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

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

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

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

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

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

22 (f) No person may knowingly make available any site,
23 structure, or facility, whether enclosed or not, that he or she
24 knows is intended to be used for the purpose of conducting any
25 show, exhibition, program, or other activity involving a fight
26 between 2 or more dogs, or any dog and human, or the

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

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

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

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

16 (1) Any person convicted of violating subsection (a),
17 (b), or (c) of this Section is guilty of a Class 3 ~~4~~ felony
18 for a first violation and a Class 2 ~~3~~ felony for a second
19 or subsequent violation, and may be fined an amount not to
20 exceed \$50,000.

21 (1.5) A person who knowingly owns a dog for fighting
22 purposes or for producing a fight between 2 or more dogs or
23 a dog and human or who knowingly offers for sale or sells a
24 dog bred for fighting is guilty of a Class 2 ~~3~~ felony and
25 may be fined an amount not to exceed \$50,000, if the dog
26 participates in a dogfight and any of the following factors

1 is present:

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

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

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

10 (1.7) A person convicted of violating subsection (c-5)
11 of this Section is guilty of a Class 3 ~~4~~ felony.

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

17 (2.5) Any person convicted of violating subsection (f)
18 of this Section is guilty of a Class 3 ~~4~~ felony.

19 (3) Any person convicted of violating subsection (g) of
20 this Section is guilty of a Class 4 felony ~~A-misdemeanor~~
21 for a first violation. A second or subsequent violation of
22 subsection (g) of this Section is a Class 3 ~~4~~ felony. If a
23 person under 13 years of age is present at any show,
24 exhibition, program, or other activity prohibited in
25 subsection (g), the parent, legal guardian, or other person
26 who is 18 years of age or older who brings that person

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

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

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

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

1 his or her actions. For the purposes of any proceedings, civil
2 or criminal, the good faith of the veterinarian shall be
3 rebuttably presumed.

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

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

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

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