

HB3779



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB3779

by Rep. Maria Antonia Berrios

SYNOPSIS AS INTRODUCED:

510 ILCS 70/3.01 from Ch. 8, par. 703.01
510 ILCS 70/3.02
510 ILCS 70/3.03

Amends the Humane Care for Animals Act. Increases the penalties for convictions of cruel treatment, aggravated cruelty, and animal torture.

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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 Sections 3.01, 3.02, and 3.03 as follows:

6 (510 ILCS 70/3.01) (from Ch. 8, par. 703.01)

7 Sec. 3.01. Cruel treatment. No person or owner may beat,
8 cruelly treat, torment, starve, overwork or otherwise abuse any
9 animal.

10 No owner may abandon any animal where it may become a
11 public charge or may suffer injury, hunger or exposure.

12 A person convicted of violating this Section is guilty of a
13 Class 4 felony ~~A misdemeanor~~. A second or subsequent conviction
14 for a violation of this Section is a Class 3 4 felony. In
15 addition to any other penalty provided by law, upon conviction
16 for violating this Section, the court may order the convicted
17 person to undergo a psychological or psychiatric evaluation and
18 to undergo any treatment at the convicted person's expense that
19 the court determines to be appropriate after due consideration
20 of the evidence. If the convicted person is a juvenile or a
21 companion animal hoarder, the court must order the convicted
22 person to undergo a psychological or psychiatric evaluation and
23 to undergo treatment that the court determines to be

1 appropriate after due consideration of the evaluation.

2 (Source: P.A. 92-650, eff. 7-11-02.)

3 (510 ILCS 70/3.02)

4 Sec. 3.02. Aggravated cruelty.

5 (a) No person may intentionally commit an act that causes a
6 companion animal to suffer serious injury or death. Aggravated
7 cruelty does not include euthanasia of a companion animal
8 through recognized methods approved by the Department of
9 Agriculture unless prohibited under subsection (b).

10 (b) No individual, except a licensed veterinarian as
11 exempted under Section 3.09, may knowingly or intentionally
12 euthanize or authorize the euthanasia of a companion animal by
13 use of carbon monoxide.

14 (c) A person convicted of violating Section 3.02 is guilty
15 of a Class 3 ~~4~~ felony. A second or subsequent violation is a
16 Class 2 ~~3~~ felony. In addition to any other penalty provided by
17 law, upon conviction for violating this Section, the court may
18 order the convicted person to undergo a psychological or
19 psychiatric evaluation and to undergo any treatment at the
20 convicted person's expense that the court determines to be
21 appropriate after due consideration of the evaluation. If the
22 convicted person is a juvenile or a companion animal hoarder,
23 the court must order the convicted person to undergo a
24 psychological or psychiatric evaluation and to undergo
25 treatment that the court determines to be appropriate after due

1 consideration of the evaluation.

2 (Source: P.A. 96-780, eff. 8-28-09.)

3 (510 ILCS 70/3.03)

4 Sec. 3.03. Animal torture.

5 (a) A person commits animal torture when that person
6 without legal justification knowingly or intentionally
7 tortures an animal. For purposes of this Section, and subject
8 to subsection (b), "torture" means infliction of or subjection
9 to extreme physical pain, motivated by an intent to increase or
10 prolong the pain, suffering, or agony of the animal.

11 (b) For the purposes of this Section, "animal torture" does
12 not include any death, harm, or injury caused to any animal by
13 any of the following activities:

14 (1) any hunting, fishing, trapping, or other activity
15 allowed under the Wildlife Code, the Wildlife Habitat
16 Management Areas Act, or the Fish and Aquatic Life Code;

17 (2) any alteration or destruction of any animal done by
18 any person or unit of government pursuant to statute,
19 ordinance, court order, or the direction of a licensed
20 veterinarian;

21 (3) any alteration or destruction of any animal by any
22 person for any legitimate purpose, including, but not
23 limited to: castration, culling, declawing, defanging, ear
24 cropping, euthanasia, gelding, grooming, neutering,
25 polling, shearing, shoeing, slaughtering, spaying, tail

1 docking, and vivisection; and

2 (4) any other activity that may be lawfully done to an
3 animal.

4 (c) A person convicted of violating this Section is guilty
5 of a Class 2 ~~3~~ felony. As a condition of the sentence imposed
6 under this Section, the court shall order the offender to
7 undergo a psychological or psychiatric evaluation and to
8 undergo treatment that the court determines to be appropriate
9 after due consideration of the evaluation.

10 (Source: P.A. 91-351, eff. 7-29-99; 92-650, eff. 7-11-02.)