

1 AMENDMENT TO HOUSE BILL 599

2 AMENDMENT NO. _____. Amend House Bill 599 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Humane Care for Animals Act is amended
5 by changing Sections 2.01a, 4.02, 4.03, 4.04, 10, 12 and 16
6 and by adding Sections 2.01b, 2.01c, 2.01d, 2.09, 2.10, 3.04,
7 3.05, 3.06, 17, 18, 19, 20, and 21 as follows:

8 (510 ILCS 70/2.01a)

9 Sec. 2.01a. Companion animal. "Companion animal" means
10 an animal that is commonly considered to be, or is considered
11 by the owner to be ~~to-be-used-as~~, a pet. "Companion animal"
12 includes, but is not limited to, canines, felines, and
13 equines.

14 (Source: P.A. 88-600, eff. 9-1-94.)

15 (510 ILCS 70/2.01b new)

16 Sec. 2.01b. Exigent circumstances. "Exigent
17 circumstances" means a licensed veterinarian cannot be
18 secured without undue delay and, in the opinion of the animal
19 control or humane agency, the animal is so severely injured,
20 diseased, or suffering that it is unfit for any useful
21 purpose and to delay euthanasia would continue to cause the

1 animal extreme suffering.

2 (510 ILCS 70/2.01c new)

3 Sec. 2.01c. Service animal. "Service animal" means an
4 animal trained in obedience and task skills to meet the needs
5 of a disabled person.

6 (510 ILCS 70/2.01d new)

7 Sec. 2.01d. Search and rescue dog. "Search and rescue
8 dog" means any dog that is trained or is certified to locate
9 persons lost on land or in water.

10 (510 ILCS 70/2.09 new)

11 Sec. 2.09. Humanely dispatched or euthanized. "Humanely
12 dispatched" or "euthanized" means the painless administration
13 of a lethal dose of an agent or method of euthanasia as
14 prescribed in the Journal of the American Veterinary Medical
15 Association, January 15, 1993, that causes the painless death
16 of an animal. Animals must be handled prior to administration
17 of the agent or method of euthanasia in a manner to avoid
18 undue apprehension by the animal.

19 (510 ILCS 70/2.10 new)

20 Sec. 2.10. Companion animal hoarder. "Companion animal
21 hoarder" means a person who (i) possesses a large number of
22 companion animals; (ii) fails to or is unable to provide what
23 he or she is required to provide under Section 3 of this Act;
24 (iii) keeps the companion animals in a severely overcrowded
25 environment; and (iv) displays an inability to recognize or
26 understand the nature of or has a reckless disregard for the
27 conditions under which the companion animals are living and
28 the deleterious impact they have on the companion animals'
29 and owner's health and well-being.

1 (510 ILCS 70/3.04 new)

2 Sec. 3.04. Arrests and seizures.

3 (a) Any law enforcement officer making an arrest for an
4 offense involving one or more animals under Section 3.01,
5 3.02, or 3.03 of this Act must lawfully take possession of
6 all animals in the possession of the person arrested. The
7 officer, after taking possession of the animals, must file
8 with the court before whom the complaint is made against any
9 person so arrested an affidavit stating the name of the
10 person charged in the complaint, a description of the
11 condition of the animal or animals taken, and the time and
12 place of the animal or animals were taken, together with the
13 name of the person from whom the animal or animals were taken
14 and name of the person who claims to own the animal or animal
15 if different from the person from whom the animal or animals
16 were seized. He or she must at the same time deliver an
17 inventory of the animal or animals taken to the court of
18 competent jurisdiction. The officer must place the animal or
19 animals in the custody of an animal control or humane agency
20 and the agency must retain custody of the animal or animals
21 subject to an order of the court adjudicating the charges on
22 the merits and before which the person complained against is
23 required to appear for trial. The State's Attorney may within
24 14 days after the seizure, file a "petition for forfeiture
25 prior to trial" before the court having criminal jurisdiction
26 over the alleged charges, asking for permanent forfeiture of
27 the companion animals seized. The petition shall be filed
28 with the court, with copies served on the impounding agency,
29 the owner, and anyone claiming an interest in the animals.
30 In a "petition for forfeiture prior to trial", the burden is
31 on the prosecution to prove by a preponderance of the
32 evidence that the person arrested violated Section 3.01,
33 3.02, 3.03, or 4.01.

34 (b) An owner whose animal or animals are removed by a

1 law enforcement officer under this Section must be given
2 written notice of the circumstances of the removal and of any
3 legal remedies available to him or her. The notice must be
4 posted at the place of seizure, or delivered to a person
5 residing at the place of seizure or, if the address of the
6 owner is different from the address of the person from whom
7 the animal or animals were seized, delivered by registered
8 mail to his or her last known address.

9 (510 ILCS 70/3.05 new)

10 Sec. 3.05. Security for companion animals and animals
11 used for fighting purposes.

12 (a) In the case of companion animals as defined in
13 Section 2.01a or animals used for fighting purposes pursuant
14 to 4.01, the animal control or humane agency having custody
15 of the animal or animals may file a petition with the court
16 requesting that the person from whom the animal or animals
17 are seized, or the owner of the animal or animals, be ordered
18 to post a security. The security must be in an amount
19 sufficient to secure payment of all reasonable expenses
20 expected to be incurred by the animal control or humane
21 agency in caring for and providing for the animal or animals
22 pending the disposition of the charges. Reasonable expenses
23 include, but are not limited to, estimated medical care and
24 boarding of the animal or animals for 30 days. The amount of
25 the security shall be determined by the court after taking
26 into consideration all of the facts and circumstances of the
27 case, including, but not limited to, the recommendation of
28 the impounding organization having custody and care of the
29 seized animal or animals and the cost of caring for the
30 animal or animals. If a security has been posted in
31 accordance with this Section, the humane society or animal
32 control agency may draw from the security the actual costs
33 incurred by the organization in caring for the seized animal

1 or animals.

2 (b) Upon receipt of a petition the court must set a
3 hearing on the petition, to be conducted within 5 business
4 days after the petition is filed. The petitioner must serve
5 a true copy of the petition upon the defendant and the
6 State's attorney for the county in which the animal or
7 animals were seized. The petitioner must also serve a true
8 copy of the petition on any interested person. For the
9 purposes of this subsection, "interested person" means an
10 individual, partnership, firm, joint stock company,
11 corporation, association, trust, estate or other legal entity
12 that the court determines may have a pecuniary interest in
13 the animal or animals that are the subject of the petition.
14 The court must set a hearing date to determine any interested
15 parties. The court may waive for good cause shown the
16 posting of security.

17 (c) If the court orders the posting of a security, the
18 security must be posted with the clerk of the court within 5
19 business days after the hearing. If the person ordered to
20 post security does not do so, the animal or animals are
21 forfeited by operation of law and the animal control or
22 humane agency having control of the animal or animals must
23 dispose of the animal or animals through adoption or must
24 humanely euthanize the animal. In no event may the defendant
25 or any person residing in the defendant's household adopt the
26 animal or animals. costs associated with custodial care.

27 (d) The impounding organization may file a petition with
28 the court upon the expiration of the 30-day period requesting
29 the posting of additional security. The court may order the
30 person from whom the animal or animals were seized, or the
31 owner of the animal or animals, to post an additional
32 security with the clerk of the court to secure payment of
33 reasonable expenses for an additional period of time pending
34 a determination by the court of the charges against the

1 person from whom the animal or animals were seized.

2 (e) In no event may the security prevent the impounding
3 organization having custody and care of the animal or animals
4 from disposing of the animal or animals before the expiration
5 of the 30-day period covered by the security if the court
6 makes a determination of the charges against the person from
7 whom the animal or animals were seized. Upon the adjudication
8 of the charges, the person who posted the security is
9 entitled to a refund of the security, in whole or in part,
10 for any expenses not incurred by the impounding organization.

11 (f) Notwithstanding any other provision of this Section
12 to the contrary, the court may order a person charged with
13 any violation of this Act to provide necessary food, water,
14 shelter, and care for any animal or animals that are the
15 basis of the charge without the removal of the animal or
16 animals from its existing location and until the charges
17 against the person are adjudicated. Until a final
18 determination of the charges is made, any law enforcement
19 officer, animal control officer, Department investigator, or
20 an approved humane investigator may be authorized by an order
21 of the court to make regular visits to the place where the
22 animal or animals are being kept to ascertain if the animal
23 or animals are receiving necessary food, water, shelter, and
24 care. Nothing in this Section prevents any law enforcement
25 officer, Department investigator, or approved humane
26 investigator from applying for a warrant under this Section
27 to seize any animal or animals being held by the person
28 charged pending the adjudication of the charges if it is
29 determined that the animal or animals are not receiving the
30 necessary food, water, shelter, or care.

31 (g) Nothing in this Act shall be construed to prevent
32 the voluntary, permanent relinquishment of any animal by its
33 owner to an animal care and control agency or humane society
34 in lieu of posting security or proceeding to a forfeiture

1 hearing. Voluntary relinquishment shall have no effect on
2 the criminal charges that may be pursued by the appropriate
3 authorities.

4 (510 ILCS 70/3.06 new)

5 Sec. 3.06. Disposition of seized animals.

6 (a) Upon the conviction of the person charged, all
7 animals seized, if not previously ordered forfeited or
8 previously forfeited by operation of law, are forfeited to
9 the facility impounding the animals and must be humanely
10 euthanized or adopted. Any outstanding costs incurred by the
11 impounding facility for boarding and treating the animals
12 pending the disposition of the case and any costs incurred in
13 disposing of the animals must be borne by the person
14 convicted. In the event of the acquittal or final discharge
15 without conviction of the person charged and when the animals
16 were not previously ordered forfeited by judicial order or
17 operation of law, the court shall, upon petition of the
18 State, animal control agency, or humane agency, hold a
19 hearing as to the disposition of the animals and other
20 property seized. If the court finds by a preponderance of
21 the evidence that the criminal allegations are true or that
22 the animals were abused, the animals are forfeited to the
23 impounding facility. If the court finds that the State
24 failed to prove the criminal allegations or that the animals
25 were abused, the court must direct the delivery of the
26 animals and other seized property not previously forfeited to
27 the owner of the animals and property.

28 (b) Any person authorized by this Section to care for an
29 animal or animals, to treat an animal or animals, or to
30 attempt to restore an animal or animals to good health and
31 who is acting in good faith is immune from any civil or
32 criminal liability that may result from his or her actions.

33 (c) Any veterinarian in this State who observes or is

1 presented with an animal or animals for the treatment of
2 aggravated cruelty under Section 3.02 or torture under
3 Section 3.03 of this Act must file a report with the
4 Department and cooperate with the Department by furnishing
5 the owner's name, the date of receipt of the animal or
6 animals and any treatment administered, and a description of
7 the animal or animals involved, including a microchip number
8 if applicable. Any veterinarian who in good faith makes a
9 report, as required by this subsection, has immunity from any
10 liability, civil, criminal, or otherwise, that may result
11 from his or her actions. For the purposes of any
12 proceedings, civil or criminal, the good faith of the
13 veterinarian shall be presumed.

14 An animal control or humane agency may humanely euthanize
15 severely injured, diseased, or suffering animals in exigent
16 circumstances.

17 (510 ILCS 70/4.02) (from Ch. 8, par. 704.02)

18 Sec. 4.02. Arrests; reports.

19 (a) Any law enforcement officer making an arrest for an
20 offense involving one or more dogs under Section 4.01 of this
21 Act shall lawfully take possession of all dogs and all
22 paraphernalia, implements, or other property or things used
23 or employed, or about to be employed, in the violation of any
24 of the provisions of Section 4.01 of this Act. When a law
25 enforcement officer has taken ~~Sueh--offieer,-after-taking~~
26 possession of such dogs, paraphernalia, implements or other
27 property or things, he or she shall file with the court
28 before whom the complaint is made against any person so
29 arrested an affidavit stating therein the name of the person
30 charged in the ~~sueh~~ complaint, a description of the property
31 so taken and the time and place of the taking thereof
32 together with the name of the person from whom the same was
33 taken and name of the person who claims to own such property,

1 if different from the person from whom the dogs were seized
 2 and if known, and that the affiant has reason to believe and
 3 does believe, stating the ground of the such belief, that the
 4 dogs and property so taken were was used or employed, or were
 5 was about to be used or employed, in a such violation of
 6 Section 4.01 of this Act. He or she shall thereupon deliver
 7 an inventory of the property so taken to the court of
 8 competent jurisdiction. The officer must place the dogs in
 9 the custody of an animal control or humane agency and the
 10 agency must retain custody of the dogs pending an order of
 11 the court adjudicating the charges on the merits and before
 12 which the person complained against is required to appear for
 13 trial. A law enforcement officer may humanely euthanize dogs
 14 that are severely injured.

15 An owner whose dogs are removed for a violation of
 16 Section 4.01 of this Act must be given written notice of the
 17 circumstances of the removal and of any legal remedies
 18 available to him or her. The notice must be posted at the
 19 place of seizure or delivered to a person residing at the
 20 place of seizure or, if the address of the owner is different
 21 from the address of the person from whom the dogs were
 22 seized, delivered by registered mail to his or her last known
 23 address.

24 The animal control or humane agency having custody of the
 25 dogs may file a petition with the court requesting that the
 26 person from whom the dogs were seized or the owner of the
 27 dogs be ordered to post a security pursuant to Section 3.05
 28 of this Act, which shall, by order, place the same in custody
 29 of an officer or other proper person named and designated in
 30 such order, to be kept by him until the conviction or final
 31 discharge of such person complained against, and shall send a
 32 copy of such order without delay to the State's attorney of
 33 the county and the Department. The officer or person so
 34 named and designated in such order shall immediately

1 thereupon assume the custody of such property and shall
2 retain the same, subject to the order of the court before
3 which such person so complained against may be required to
4 appear for trial.

5 Upon the conviction of the person so charged, all dogs
6 and property so seized shall be adjudged by the court to be
7 forfeited and shall thereupon be adopted or euthanized. Any
8 outstanding costs incurred by the impounding facility in
9 boarding and treating the dogs pending the disposition of the
10 case and disposing of the dogs upon a conviction must be
11 borne by the person convicted be destroyed or otherwise
12 disposed of as the court may order. In the event of the
13 acquittal or final discharge without conviction of the person
14 so charged the such court shall, upon petition of the State,
15 animal control agency, or humane agency, hold a hearing as to
16 the disposition of the dogs and the other property seized.
17 If the court finds by a preponderance of the evidence that
18 the criminal allegations are true or that the dogs were used
19 in fighting, the dogs are forfeited to the impounding
20 facility where the dogs must be adopted out or humanely
21 euthanized. In no event may the dogs be adopted by the
22 defendant or anyone residing in his or her household. If the
23 court finds that the State either failed to prove the
24 criminal allegations or that the dogs were used in fighting,
25 the court must direct the delivery of the dogs and the other
26 property not previously forfeited to the owner of the dogs
27 and property.

28 Any person authorized by this Section to care for a dogs,
29 to treat a dog, or to attempt to restore a dog to good health
30 and who is acting in good faith is immune from any civil or
31 criminal liability that may result from his or her actions.

32 An animal control or humane agency may euthanize severely
33 injured, diseased, or suffering dog in exigent circumstances,
34 on-demand, direct the delivery of such property so held in

1 ~~eustody-to-the-owner-thereof.~~

2 (b) Any veterinarian in this State who is presented with
3 an animal for treatment of injuries or wounds resulting from
4 fighting where there is a reasonable possibility that the
5 animal was engaged in or utilized for a fighting event shall
6 file a report with the Department and cooperate by furnishing
7 the owners' names, date of receipt of the animal or animals
8 and treatment administered, dates and descriptions of the
9 animal or animals involved. Any veterinarian who in good
10 faith makes a report, as required by this subsection (b), is
11 immune ~~shall--have--immunity~~ from any liability, civil,
12 criminal, or ~~that otherwise,~~ resulting from his or her might
13 ~~result-by-reason-of-such~~ actions. For the purposes of any
14 proceedings, civil or criminal, the good faith of any such
15 veterinarian shall be presumed.

16 (Source: P.A. 84-723.)

17 (510 ILCS 70/4.03) (from Ch. 8, par. 704.03)

18 Sec. 4.03. Teasing, striking or tampering with police
19 animals, service animals, or search and rescue dogs
20 prohibited. It shall be unlawful for any person to willfully
21 and maliciously taunt, torment, tease, beat, strike, or
22 administer or subject any desensitizing drugs, chemicals or
23 substance to (i) any animal used by a law enforcement officer
24 in the performance of his or her functions or duties, or when
25 placed in confinement off duty, (ii) any service animal,
26 (iii) any search and rescue dog, or (iv) any police, service,
27 or search and rescue animal in training. It is unlawful for
28 any person to ~~or-to~~ interfere or meddle with (i) any such
29 animal used by a law enforcement department or agency or any
30 handler thereof in the performance of the functions or duties
31 of the department or agency, (ii) any service animal, (iii)
32 any search and rescue animal in or (iv) any law enforcement,
33 service, or search and rescue animal in training.

1 (Source: P.A. 90-80, eff. 7-10-97.)

2 (510 ILCS 70/4.04) (from Ch. 8, par. 704.04)

3 Sec. 4.04. Injuring or killing police animals, service
4 animals, or search and rescue dogs prohibited. It shall be
5 unlawful for any person to willfully or maliciously torture,
6 mutilate, injure, disable, poison, or kill (i) any animal
7 used by a law enforcement department or agency in the
8 performance of the functions or duties of the department or
9 agency or when placed in confinement off duty, (ii) any
10 service animal, (iii) any search and rescue dog, or (iv) any
11 law enforcement, service, or search and rescue animal in
12 training. However, a police officer or veterinarian may
13 perform euthanasia in emergency situations when delay would
14 cause the animal undue suffering and pain.

15 (Source: P.A. 90-80, eff. 7-10-97; 91-357, eff. 7-29-99.)

16 (510 ILCS 70/10) (from Ch. 8, par. 710)

17 Sec. 10. Investigation of complaints.

18 (a) Upon receiving a complaint of a suspected violation
19 of this Act, a Department investigator, any law enforcement
20 official, or an approved humane investigator may, for the
21 purpose of investigating the allegations of the complaint,
22 enter during normal business hours upon any premises where
23 the animal or animals described in the complaint are housed
24 or kept, provided such entry shall not be made into any
25 building which is a person's residence, except by search
26 warrant or court order. Institutions operating under federal
27 license to conduct laboratory experimentation utilizing
28 animals for research or medical purposes are, however, exempt
29 from the provisions of this Section. State's Attorneys and
30 law enforcement officials shall provide such assistance as
31 may be required in the conduct of such investigations. Any
32 such investigation requiring legal procedures shall be

1 immediately reported to the Department. No employee or
 2 representative of the Department shall enter a livestock
 3 management facility unless sanitized footwear is used, or
 4 unless the owner or operator of the facility waives this
 5 requirement. The employee or representative must also use
 6 any other reasonable disease prevention procedures or
 7 equipment provided by the owner or operator of the facility.
 8 The animal control administrator and animal control wardens
 9 appointed under the Animal Control Act shall be authorized to
 10 make investigations complying with this Section for alleged
 11 violations of Sections 3, and 3.01, 3.02, and 3.03 pertaining
 12 to--small--companion--animals.--If--impoundments--are--made--by
 13 wardens,--public--pounds--operated--by--a--political--entity--shall
 14 be--utilized. The animals impounded shall remain under the
 15 jurisdiction of the animal control administrator and be held
 16 in an animal pound licensed under the Animal Welfare Act.
 17 All--litigation,--appeal,--and--disposition--of--the--animals--so
 18 held--will--remain--with--the--governmental--agency--operating--the
 19 facility.

20 (b) Any law enforcement official, animal control or
 21 humane agency, approved humane investigator, or veterinarian
 22 acting in good faith is immune from any civil or criminal
 23 liability that resulting from his or her actions under this
 24 Section. The good faith on the part of the law enforcement
 25 official, approved humane investigator, animal control or
 26 humane agency, or veterinarian is presumed.

27 (Source: P.A. 87-157.)

28 (510 ILCS 70/12) (from Ch. 8, par. 712)

29 Sec. 12. Impounding animals; notice of impoundment.

30 (a) When an approved humane investigator, a Department
 31 investigator or a veterinarian finds that a violation of this
 32 Act has rendered an animal in such a condition that no remedy
 33 or corrective action by the owner is possible or the violator

1 fails--or--refuses--to--take--corrective-action-necessary-for
 2 compliance-pursuant-to-Section-11-of-this-Act, the Department
 3 must may impound or order the impoundment of the animal. If
 4 the violator fails or refuses to take corrective action
 5 necessary for compliance with Section 11 of this Act, the
 6 Department may impound the animal. If the animal is ordered
 7 impounded, it shall be impounded in a facility or at another
 8 location where which-will-~~provide~~ the elements of good care
 9 as set forth in Section 3 of this Act can be provided, and
 10 where such animals shall be examined and treated by a
 11 licensed veterinarian or, if the animal is severely injured,
 12 diseased, or suffering, humanely euthanized. Any expense
 13 incurred in the impoundment shall become a lien on the
 14 animals.

15 (b) Emergency impoundment may be exercised in a
 16 life-threatening situation and the subject animals shall be
 17 conveyed directly to a licensed veterinarian for medical
 18 services necessary to sustain life or to be humanely
 19 euthanized as determined by the veterinarian. If such
 20 emergency procedure is taken by an animal control officer,
 21 the Department shall be notified.

22 (c) (b) A notice of impoundment shall be given by the
 23 investigator to the violator, if known, in person or sent by
 24 certified or registered mail. A copy of the notice shall be
 25 retained by the investigator and a copy forwarded immediately
 26 to the Department. The notice of impoundment shall include
 27 the following:

- 28 (1) A number assigned by the Department which will
- 29 also be given to the impounding facility accepting the
- 30 responsibility of the animal or animals.
- 31 (2) Listing of deficiencies noted.
- 32 (3) An accurate description of the animal or
- 33 animals involved.
- 34 (4) Date on which the animal or animals were

1 impounded.

2 (5) Signature of the investigator.

3 (6) A statement that: "The violator may request a
4 hearing to appeal the impoundment. A person desiring a
5 hearing shall contact the Department of Agriculture
6 within 7 days from the date of impoundment" and the
7 Department must ~~will~~ hold an administrative hearing
8 within 7 business days after receiving a request to
9 appeal the impoundment. If the hearing cannot be held
10 prior to the expiration of the 7-day impoundment period,
11 the Department shall notify the impounding facility that
12 it cannot sell, offer for adoption, or dispose of the
13 animal or animals until a final decision is rendered and
14 all of the appeal processes have expired.

15 If a hearing is requested by any owner of impounded
16 animals, the Hearing Officer shall, ~~have-the-authority~~ after
17 hearing the testimony of all interested affected parties, to
18 render a decision within 5 business days regarding ~~as-to~~ the
19 disposition of the impounded animals. This decision by the
20 Hearing Officer shall have no effect on the criminal charges
21 that may be filed with the appropriate authorities.

22 If an owner of a companion animal or animal used for
23 fighting purposes requests a hearing, the animal control or
24 humane agency having control of the animal or animals may
25 file a petition with the court in the county where the
26 impoundment took place requesting that the person from whom
27 the animal or animals were seized or the owner of the animal
28 or animals be ordered to post a security pursuant to
29 subsections (a) and (b) of Section 3.05 of this Act.

30 If the court orders the posting of security, the security
31 must be posted with the clerk of the court within 5 business
32 days after the hearing. If the person ordered to post
33 security does not do so, the court must order the Department
34 of Agriculture to hold a hearing on the impoundment within 5

1 business days. If the Department determines that it is not
 2 in the best interest of the animal or animals to be returned
 3 to the person from whom it was seized, the animal or animals
 4 are forfeited to the animal control or humane agency having
 5 control of the animal or animals. If no petition for the
 6 posting of a security is filed or a petition was filed and
 7 granted but the person failed to post security, any expense
 8 incurred in the impoundment shall remain outstanding until
 9 satisfied by the owner or the person from whom the animal or
 10 animals were impounded.

11 ~~Any--expense--incurred--in--such--impoundment--becomes--a--lien~~
 12 ~~on--the--animal--impounded--and--must--be--discharged--before--the~~
 13 ~~animal--is--released--from--the--facility.~~ When the impoundment is
 14 not appealed, the animal or animals are forfeited and the
 15 animal control or humane agency in charge of the animal or
 16 animals may lawfully and without liability provide for
 17 adoption of the animal or animals by a person other than the
 18 person who forfeited the animal or animals, or any person or
 19 persons dwelling in the same household as the person who
 20 forfeited the animals or animals, or it may humanely
 21 euthanize the animal or animals. ~~the--animal--is--not--claimed--by~~
 22 ~~its--owner--and--all--impoundment--costs--satisfied--within--7--days,~~
 23 ~~it--may--be--sold--at--public--or--private--sale---for---fair~~
 24 ~~consideration---to---a---person--capable--of--providing--care~~
 25 ~~consistent--with--this--Act,~~ ~~with--the--proceeds--of--that--sale~~
 26 ~~applied--first--to--discharge--the--lien--and--any--balance--to--be~~
 27 ~~paid--over--to--the--owner.-If--no--purchaser--is--found,~~ ~~the--animal~~
 28 ~~may--be--offered--for--adoption--or--disposed--of--in--a--manner--not~~
 29 ~~inconsistent--with--this--or--any--other--Act.~~

30 (Source: P.A. 88-600, eff. 9-1-94.)

31 (510 ILCS 70/16) (from Ch. 8, par. 716)

32 Sec. 16. Violations; punishment; injunctions.

33 (a) Any person convicted of violating Sections 5, 5.01,

1 or 6 of this Act or any rule, regulation, or order of the
2 Department pursuant thereto, for the first time is guilty of
3 a Class A misdemeanor. A second or subsequent violation is
4 a Class 4 felony.

5 (b)(1) This subsection (b) does not apply where the
6 only animals involved in the violation are dogs.

7 (2) Any person convicted of violating subsection
8 (a), (b), (c) or (h) of Section 4.01 of this Act or any
9 rule, regulation, or order of the Department pursuant
10 thereto, is guilty of a Class A misdemeanor.

11 (3) A second or subsequent offense involving the
12 violation of subsection (a), (b) or (c) of Section 4.01
13 of this Act or any rule, regulation, or order of the
14 Department pursuant thereto is a Class 4 felony.

15 (4) Any person convicted of violating subsection
16 (d), (e) or (f) of Section 4.01 of this Act or any rule,
17 regulation, or order of the Department pursuant thereto
18 for the first time, is guilty of a Class A B misdemeanor.
19 A second or subsequent violation is a Class 4 felony.

20 (5) Any person convicted of violating subsection
21 (g) of Section 4.01 of this Act or any rule, regulation,
22 or order of the Department pursuant thereto is guilty of
23 a Class C misdemeanor.

24 (c)(1) This subsection (c) applies exclusively
25 where the only animals involved in the violation are
26 dogs.

27 (2) Any person convicted of violating subsection
28 (a), (b) or (c) of Section 4.01 of this Act or any rule,
29 regulation or order of the Department pursuant thereto is
30 guilty of a Class 4 felony and may be fined an amount not
31 to exceed \$50,000.

32 (3) Any person convicted of violating subsection
33 (d), (e) or (f) of Section 4.01 of this Act or any rule,
34 regulation or order of the Department pursuant thereto is

1 guilty of Class A misdemeanor, ~~if such person knew or~~
 2 ~~should have known that the device or equipment under~~
 3 ~~subsection (d) or (e) of that Section or the site,~~
 4 ~~structure or facility under subsection (f) of that~~
 5 ~~Section was to be used to carry out a violation where the~~
 6 ~~only animals involved were dogs. Where such person did~~
 7 ~~not know or should not reasonably have been expected to~~
 8 ~~know that the only animals involved in the violation were~~
 9 ~~dogs, the penalty shall be same as that provided for in~~
 10 ~~paragraph (4) of subsection (b).~~

11 (4) Any person convicted of violating subsection
 12 (g) of Section 4.01 of this Act or any rule, regulation
 13 or order of the Department pursuant thereto is guilty of
 14 a Class C misdemeanor.

15 (5) A second or subsequent violation of subsection
 16 (a), (b) or (c) of Section 4.01 of this Act or any rule,
 17 regulation or order of the Department pursuant thereto is
 18 a Class 3 felony. A second or subsequent violation of
 19 subsection (d), (e) or (f) of Section 4.01 of this Act or
 20 any rule, regulation or order of the Department adopted
 21 pursuant thereto is a Class 3 felony, if in each
 22 violation the person knew or should have known that the
 23 device or equipment under subsection (d) or (e) of that
 24 Section or the site, structure or facility under
 25 subsection (f) of that Section was to be used to carry
 26 out a violation where the only animals involved were
 27 dogs. Where such person did not know or should not
 28 reasonably have been expected to know that the only
 29 animals involved in the violation were dogs, a second or
 30 subsequent violation of subsection (d), (e) or (f) of
 31 Section 4.01 of this Act or any rule, regulation or order
 32 of the Department adopted pursuant thereto is a Class 4
 33 felony ~~A--misdemeanor~~. A second or subsequent violation
 34 of subsection (g) is a Class B misdemeanor.

1 (6) Any person convicted of violating Section 3.01
 2 of this Act is guilty of a Class A misdemeanor. A
 3 second or subsequent conviction for a violation of
 4 Section 3.01 is a Class 4 felony B-misdemeanor.~~---A--third~~
 5 ~~er--subsequent-conviction-for-a-violation-of-Section-3.01~~
 6 ~~is-a-Class-A-misdemeanor.~~

7 (7) Any person convicted of violating Section 4.03
 8 for the first time is guilty of a Class A B misdemeanor.
 9 A second or subsequent violation is a Class 4 felony.

10 (8) Any person convicted of violating Section 4.04
 11 is guilty of a Class A misdemeanor where the animal is
 12 not killed or totally disabled, but if the animal is
 13 killed or totally disabled such person shall be guilty of
 14 a Class 4 felony.

15 (8.5) A person convicted of violating subsection
 16 (a) of Section 7.15 is guilty of a Class A B misdemeanor.
 17 A person convicted of violating subsection (b) or (c) of
 18 Section 7.15 is (i) guilty of a Class A misdemeanor if
 19 the dog is not killed or totally disabled and (ii) if the
 20 dog is killed or totally disabled, guilty of a Class 4
 21 felony and may be ordered by the court to make
 22 restitution to the disabled person having custody or
 23 ownership of the dog for veterinary bills and replacement
 24 costs of the dog. A second or subsequent violation is a
 25 Class 4 felony.

26 (9) Any person convicted of any other act of abuse
 27 or neglect or of violating any other provision of this
 28 Act, or any rule, regulation, or order of the Department
 29 pursuant thereto, is guilty of a Class A C misdemeanor.
 30 A second or subsequent violation is a Class 4 felony with
 31 ~~every-day--that--a--violation--continues--constituting--a~~
 32 ~~separate-offense.~~

33 (d) Any person convicted of violating Section 7.1 is
 34 guilty of a Class C misdemeanor petty-offense. A second or

1 subsequent conviction for a violation of Section 7.1 is a
2 Class B E misdemeanor.

3 (e) Any person convicted of violating Section 3.02 is
4 guilty of a Class A misdemeanor. A second or subsequent
5 violation is a Class 4 felony.

6 (f) The Department may enjoin a person from a continuing
7 violation of this Act.

8 (g) Any person convicted of violating Section 3.03 is
9 guilty of a Class 4 felony. A second or subsequent offense
10 is a Class 3 felony. As a condition of the sentence imposed
11 under this Section, the court shall order the offender to
12 undergo a psychological or psychiatric evaluation and to
13 undergo treatment that the court determines to be appropriate
14 after due consideration of the evaluation.

15 (h) In addition to any other penalty provided by law,
16 upon a conviction for violating Sections 3, 3.01, 3.02, or
17 3.03 the court may order the convicted person to undergo a
18 psychological or psychiatric evaluation and to undergo any
19 treatment at the convicted person's expense that the court
20 determines to be appropriate after due consideration of the
21 evaluation. If the convicted person is a juvenile or an
22 animal hoarder, the court must order the convicted person to
23 undergo a psychological or psychiatric evaluation and to
24 undergo treatment that the court determines to be appropriate
25 after due consideration of the evaluation.

26 (i) In addition to any other penalty provided by law,
27 upon conviction for violating Sections 3, 3.01, 3.02, or 3.03
28 the court may order the convicted person to forfeit to a
29 humane agency or animal control facility the animal or
30 animals that are the basis of the conviction. Upon an order
31 of forfeiture, the convicted person is deemed to have
32 permanently relinquished all rights to the animal or animals
33 that are the basis of the conviction. The forfeited animal
34 or animals shall be adopted or humanely euthanized. In no

1 event may the convicted person or anyone residing in his or
2 her household be permitted to adopt the forfeited animal or
3 animals. The court, additionally, may order that the
4 convicted person and persons dwelling in the same household
5 as the convicted person who conspired, aided, or abetted in
6 the unlawful act that was the basis of the conviction, or who
7 knew or should have known of the unlawful act, may not own,
8 harbor, or have custody or control of any other animals for a
9 period of time that the court deems reasonable.

10 (Source: P.A. 90-14, eff. 7-1-97; 90-80, eff. 7-10-97;
11 91-291, eff. 1-1-00; 91-351, eff. 7-29-99; 91-357, eff.
12 7-29-99; revised 8-30-99.)

13 (510 ILCS 70/17 new)

14 Sec. 17. Payment of the costs of violations. In addition
15 to the any other penalties under this Act, the convicted
16 person must pay all costs necessary to restore the injured
17 animal to good health or to otherwise ameliorate the effects
18 of the abuse or neglect. In addition, the court must order
19 the convicted person to pay all costs incurred in boarding
20 and caring for any animal abused or neglected by the
21 convicted person pending the disposition of the case and the
22 costs of the disposition of the animal after the conclusion
23 of the case. All costs paid by the convicted person must be
24 reimbursed to the humane organization, person, or legal
25 entity that incurred the costs. The court must also order
26 that an equitable portion of any fine received be paid to any
27 recognized humane organization that incurred costs in
28 investigating or prosecuting the offenses for which the
29 person paying the fine was convicted.

30 (510 ILCS 70/18 new)

31 Sec. 18. Defenses.

32 (a) It is not a defense to violations of this Act for

1 the person committing the violation to assert that he or she
2 had rights of ownership in the animal that was the victim of
3 the violation.

4 (b) Trespass is not a defense to a prosecution under
5 this Act.

6 (510 ILCS 70/19 new)

7 Sec. 19. Corporations. Corporations may be charged with
8 violations of this Act for the acts of their employees or
9 agents who violate this Act in the course of their employment
10 or agency.

11 (510 ILCS 70/20 new)

12 Sec. 20. Civil actions. Any person who has a right of
13 ownership in an animal that is subjected to an act of abuse
14 or neglect in violation of this Act may bring a civil action
15 to recover the damages sustained by that owner. Damages may
16 include, but are not limited to, the monetary value of the
17 animal, veterinary expenses incurred on behalf of the animal,
18 any other expenses incurred by the owner in rectifying the
19 effects of the cruelty, pain, and suffering of the animal,
20 and emotional distress suffered by the owner. In addition to
21 damages that may be proven, the owner is also entitled to
22 punitive or exemplary damages of not less than \$500 but not
23 more than \$25,000 for each act of abuse or neglect to which
24 the animal was subjected. In addition, the court must award
25 reasonable attorney's fees and costs actually incurred by the
26 owner in the prosecution of any action under this Section.

27 The remedies provided in this Section are in addition to
28 any other remedies allowed by law.

29 In an action under this Section, the court may enter any
30 injunctive orders reasonably necessary to protect animals
31 from any further acts of abuse, neglect, or harassment by a
32 defendant. Trespass is not a defense to any action under

1 this Section.

2 The statute of limitations for cruelty to animals is 2
3 years.

4 (510 ILCS 70/21 new)

5 Sec. 21. Illinois Animal Abuse Fund. The Illinois Animal
6 Abuse Fund is created as a special fund in the State
7 treasury. Moneys in the Fund may be used, subject to
8 appropriation, by the Department of Agriculture to
9 investigate animal abuse and neglect under this Act.

10 Section 10. The Clerks of Courts Act is amended by
11 changing Section 27.5 as follows:

12 (705 ILCS 105/27.5) (from Ch. 25, par. 27.5)

13 Sec. 27.5. (a) All fees, fines, costs, additional
14 penalties, bail balances assessed or forfeited, and any other
15 amount paid by a person to the circuit clerk that equals an
16 amount less than \$55, except restitution under Section 5-5-6
17 of the Unified Code of Corrections, reimbursement for the
18 costs of an emergency response as provided under Section
19 5-5-3 of the Unified Code of Corrections, any fees collected
20 for attending a traffic safety program under paragraph (c) of
21 Supreme Court Rule 529, any fee collected on behalf of a
22 State's Attorney under Section 4-2002 of the Counties Code or
23 a sheriff under Section 4-5001 of the Counties Code, or any
24 cost imposed under Section 124A-5 of the Code of Criminal
25 Procedure of 1963, for convictions, orders of supervision, or
26 any other disposition for a violation of Chapters 3, 4, 6,
27 11, and 12 of the Illinois Vehicle Code, or a similar
28 provision of a local ordinance, and any violation of the
29 Child Passenger Protection Act, or a similar provision of a
30 local ordinance, and except as provided in subsection (b)
31 shall be disbursed within 60 days after receipt by the

1 circuit clerk as follows: 47% shall be disbursed to the
2 entity authorized by law to receive the fine imposed in the
3 case; 12% shall be disbursed to the State Treasurer; and 41%
4 shall be disbursed to the county's general corporate fund. Of
5 the 12% disbursed to the State Treasurer, 1/6 shall be
6 deposited by the State Treasurer into the Violent Crime
7 Victims Assistance Fund, 1/2 shall be deposited into the
8 Traffic and Criminal Conviction Surcharge Fund, and 1/3 shall
9 be deposited into the Drivers Education Fund. For fiscal
10 years 1992 and 1993, amounts deposited into the Violent Crime
11 Victims Assistance Fund, the Traffic and Criminal Conviction
12 Surcharge Fund, or the Drivers Education Fund shall not
13 exceed 110% of the amounts deposited into those funds in
14 fiscal year 1991. Any amount that exceeds the 110% limit
15 shall be distributed as follows: 50% shall be disbursed to
16 the county's general corporate fund and 50% shall be
17 disbursed to the entity authorized by law to receive the fine
18 imposed in the case. Not later than March 1 of each year the
19 circuit clerk shall submit a report of the amount of funds
20 remitted to the State Treasurer under this Section during the
21 preceding year based upon independent verification of fines
22 and fees. All counties shall be subject to this Section,
23 except that counties with a population under 2,000,000 may,
24 by ordinance, elect not to be subject to this Section. For
25 offenses subject to this Section, judges shall impose one
26 total sum of money payable for violations. The circuit clerk
27 may add on no additional amounts except for amounts that are
28 required by Sections 27.3a and 27.3c of this Act, unless
29 those amounts are specifically waived by the judge. With
30 respect to money collected by the circuit clerk as a result
31 of forfeiture of bail, ex parte judgment or guilty plea
32 pursuant to Supreme Court Rule 529, the circuit clerk shall
33 first deduct and pay amounts required by Sections 27.3a and
34 27.3c of this Act. This Section is a denial and limitation of

1 home rule powers and functions under subsection (h) of
2 Section 6 of Article VII of the Illinois Constitution.

3 (b) The following amounts must be remitted to the State
4 Treasurer for deposit into the Illinois Animal Abuse Fund:

5 (1) 50% of amounts collected for Class 4 felonies
6 under subsection (a), paragraph (4) of subsection (b),
7 and paragraphs (5), (6), (7), (8.5), and (9) of
8 subsection (c) of Section 16 of the Humane Care for
9 Animals Act.

10 (2) 20% of amounts collected for Class A
11 misdemeanors under subsection (a), paragraph (4) of
12 subsection (b), and paragraphs (6), (7), and (9) of
13 subsection (c) of Section 16 of the Humane Care for
14 Animals Act.

15 (3) 20% of amounts collected for Class B
16 misdemeanors under subsection (d) of Section 16 of the
17 Humane Care for Animals Act.

18 (4) 50% of amounts collected for Class C
19 misdemeanors under subsection (d) of Section 16 of the
20 Humane Care for Animals Act.

21 (Source: P.A. 89-234, eff. 1-1-96.)

22 Section 15. The State Finance Act is amended by adding
23 Section 5.545 as follows:

24 (30 ILCS 105/5.545 new)

25 Sec. 5.545. The Illinois Animal Abuse Fund.

26 Section 25. Severability. The provisions of this
27 amendatory Act of the 92nd General Assembly are severable
28 under Section 1.31 of the Statute on Statutes.

29 Section 99. Effective date. This Act takes effect on
30 January 1, 2002."