

1 AN ACT concerning the humane care of 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, 3.01, 3.02, 3.03, 3.04, 3.05, 4, 4.01,
6 4.02, 4.03, 4.04, 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 as
7 follows:

8 (510 ILCS 70/3) (from Ch. 8, par. 703)

9 Sec. 3. Owner's duties. Each owner shall provide for
10 each of his animals:

11 (a) sufficient quantity of good quality, wholesome
12 food and water;

13 (b) adequate shelter and protection from the
14 weather;

15 (c) veterinary care when needed to prevent
16 suffering; and

17 (d) humane care and treatment.

18 A person convicted of violating this Section is guilty of
19 a Class B misdemeanor. A second or subsequent violation is a
20 Class 4 felony with every day that a violation continues
21 constituting a separate offense. In addition to any other
22 penalty provided by law, upon conviction for violating this
23 Section, the court may order the convicted person to undergo
24 a psychological or psychiatric evaluation and to undergo any
25 treatment at the convicted person's expense that the court
26 determines to be appropriate after due consideration of the
27 evaluation. If the convicted person is a juvenile or a
28 companion animal hoarder, the court must order the convicted
29 person to undergo a psychological or psychiatric evaluation
30 and to undergo treatment that the court determines to be
31 appropriate after due consideration of the evaluation.

1 (Source: P.A. 78-905.)

2 (510 ILCS 70/3.01) (from Ch. 8, par. 703.01)

3 Sec. 3.01. Cruel treatment. No person or owner may
4 beat, cruelly treat, torment, starve, overwork or otherwise
5 abuse any animal.

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

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

22 (Source: P.A. 84-466.)

23 (510 ILCS 70/3.02)

24 Sec. 3.02. Aggravated cruelty. No person may
25 intentionally commit an act that causes a companion animal to
26 suffer serious injury or death. Aggravated cruelty does not
27 include euthanasia of a companion animal through recognized
28 methods approved by the Department of Agriculture.

29 A person convicted of violating Section 3.02 is guilty of
30 a Class 4 felony. A second or subsequent violation is a
31 Class 3 felony. In addition to any other penalty provided by
32 law, upon conviction for violating this Section, the court

1 may order the convicted person to undergo a psychological or
 2 psychiatric evaluation and to undergo any treatment at the
 3 convicted person's expense that the court determines to be
 4 appropriate after due consideration of the evaluation. If
 5 the convicted person is a juvenile or a companion animal
 6 hoarder, the court must order the convicted person to undergo
 7 a psychological or psychiatric evaluation and to undergo
 8 treatment that the court determines to be appropriate after
 9 due consideration of the evaluation.

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

11 (510 ILCS 70/3.03)

12 Sec. 3.03. Animal torture.

13 (a) A person commits animal torture when that person
 14 without legal justification knowingly or intentionally
 15 tortures an animal. For purposes of this Section, and
 16 subject to subsection (b), "torture" means infliction of or
 17 subjection to extreme physical pain, motivated by an intent
 18 to increase or prolong the pain, suffering, or agony of the
 19 animal.

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

23 (1) any hunting, fishing, trapping, or other
 24 activity allowed under the Wildlife Code, the Wildlife
 25 Habitat Management Areas Act, or the Fish and Aquatic
 26 Life Code;

27 (2) any alteration or destruction of any animal
 28 done by any person or unit of government pursuant to
 29 statute, ordinance, court order, or the direction of a
 30 licensed veterinarian;

31 (3) any alteration or destruction of any animal by
 32 any person for any legitimate purpose, including, but not
 33 limited to: castration, culling, declawing, defanging,

1 ear cropping, euthanasia, gelding, grooming, neutering,
2 polling, shearing, shoeing, slaughtering, spaying, tail
3 docking, and vivisection; and

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

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

12 (Source: P.A. 91-351, eff. 7-29-99.)

13 (510 ILCS 70/3.04)

14 Sec. 3.04. Arrests and seizures.

15 (a) Any law enforcement officer making an arrest for an
16 offense involving one or more companion animals under Section
17 3.01, 3.02, or 3.03 of this Act may lawfully take possession
18 of some or all of the companion animals in the possession of
19 the person arrested. The officer, after taking possession of
20 the companion animals, must file with the court before whom
21 the complaint is made against any person so arrested an
22 affidavit stating the name of the person charged in the
23 complaint, a description of the condition of the companion
24 animal or companion animals taken, and the time and place the
25 companion animal or companion animals were taken, together
26 with the name of the person from whom the companion animal or
27 companion animals were taken and name of the person who
28 claims to own the companion animal or companion animals if
29 different from the person from whom the companion animal or
30 companion animals were seized. He or she must at the same
31 time deliver an inventory of the companion animal or
32 companion animals taken to the court of competent
33 jurisdiction. The officer must place the companion animal or

1 companion animals in the custody of an animal control or
2 animal shelter and the agency must retain custody of the
3 companion animal or companion animals subject to an order of
4 the court adjudicating the charges on the merits and before
5 which the person complained against is required to appear for
6 trial. The State's Attorney may, within 14 days after the
7 seizure, file a "petition for forfeiture prior to trial"
8 before the court having criminal jurisdiction over the
9 alleged charges, asking for permanent forfeiture of the
10 companion animals seized. The petition shall be filed with
11 the court, with copies served on the impounding agency, the
12 owner, and anyone claiming an interest in the animals. In a
13 "petition for forfeiture prior to trial", the burden is on
14 the prosecution to prove by a preponderance of the evidence
15 that the person arrested violated Section 3.01, 3.02, 3.03,
16 or 4.01 of this Act or Section 26-5 of the Criminal Code of
17 1961.

18 (b) An owner whose companion animal or companion animals
19 are removed by a law enforcement officer under this Section
20 must be given written notice of the circumstances of the
21 removal and of any legal remedies available to him or her.
22 The notice must be posted at the place of seizure, or
23 delivered to a person residing at the place of seizure or, if
24 the address of the owner is different from the address of the
25 person from whom the companion animal or companion animals
26 were seized, delivered by registered mail to his or her last
27 known address.

28 (Source: P.A. 92-454, eff. 1-1-02.)

29 (510 ILCS 70/3.05)

30 Sec. 3.05. Security for companion animals and animals
31 used for fighting purposes.

32 (a) In the case of companion animals as defined in
33 Section 2.01a or animals used for fighting purposes in

1 violation of pursuant-to Section 4.01 of this Act or Section
2 26-5 of the Criminal Code of 1961, the animal control or
3 animal shelter having custody of the animal or animals may
4 file a petition with the court requesting that the person
5 from whom the animal or animals are seized, or the owner of
6 the animal or animals, be ordered to post security. The
7 security must be in an amount sufficient to secure payment of
8 all reasonable expenses expected to be incurred by the animal
9 control or animal shelter in caring for and providing for the
10 animal or animals pending the disposition of the charges.
11 Reasonable expenses include, but are not limited to,
12 estimated medical care and boarding of the animal or animals
13 for 30 days. The amount of the security shall be determined
14 by the court after taking into consideration all of the facts
15 and circumstances of the case, including, but not limited to,
16 the recommendation of the impounding organization having
17 custody and care of the seized animal or animals and the cost
18 of caring for the animal or animals. If security has been
19 posted in accordance with this Section, the animal control or
20 animal shelter may draw from the security the actual costs
21 incurred by the agency in caring for the seized animal or
22 animals.

23 (b) Upon receipt of a petition, the court must set a
24 hearing on the petition, to be conducted within 5 business
25 days after the petition is filed. The petitioner must serve
26 a true copy of the petition upon the defendant and the
27 State's Attorney for the county in which the animal or
28 animals were seized. The petitioner must also serve a true
29 copy of the petition on any interested person. For the
30 purposes of this subsection, "interested person" means an
31 individual, partnership, firm, joint stock company,
32 corporation, association, trust, estate, or other legal
33 entity that the court determines may have a pecuniary
34 interest in the animal or animals that are the subject of the

1 petition. The court must set a hearing date to determine any
2 interested parties. The court may waive for good cause shown
3 the posting of security.

4 (c) If the court orders the posting of security, the
5 security must be posted with the clerk of the court within 5
6 business days after the hearing. If the person ordered to
7 post security does not do so, the animal or animals are
8 forfeited by operation of law and the animal control or
9 animal shelter having control of the animal or animals must
10 dispose of the animal or animals through adoption or must
11 humanely euthanize the animal. In no event may the defendant
12 or any person residing in the defendant's household adopt the
13 animal or animals.

14 (d) The impounding organization may file a petition with
15 the court upon the expiration of the 30-day period requesting
16 the posting of additional security. The court may order the
17 person from whom the animal or animals were seized, or the
18 owner of the animal or animals, to post additional security
19 with the clerk of the court to secure payment of reasonable
20 expenses for an additional period of time pending a
21 determination by the court of the charges against the person
22 from whom the animal or animals were seized.

23 (e) In no event may the security prevent the impounding
24 organization having custody and care of the animal or animals
25 from disposing of the animal or animals before the expiration
26 of the 30-day period covered by the security if the court
27 makes a final determination of the charges against the person
28 from whom the animal or animals were seized. Upon the
29 adjudication of the charges, the person who posted the
30 security is entitled to a refund of the security, in whole or
31 in part, for any expenses not incurred by the impounding
32 organization.

33 (f) Notwithstanding any other provision of this Section
34 to the contrary, the court may order a person charged with

1 any violation of this Act to provide necessary food, water,
2 shelter, and care for any animal or animals that are the
3 basis of the charge without the removal of the animal or
4 animals from their existing location and until the charges
5 against the person are adjudicated. Until a final
6 determination of the charges is made, any law enforcement
7 officer, animal control officer, Department investigator, or
8 an approved humane investigator may be authorized by an order
9 of the court to make regular visits to the place where the
10 animal or animals are being kept to ascertain if the animal
11 or animals are receiving necessary food, water, shelter, and
12 care. Nothing in this Section prevents any law enforcement
13 officer, Department investigator, or approved humane
14 investigator from applying for a warrant under this Section
15 to seize any animal or animals being held by the person
16 charged pending the adjudication of the charges if it is
17 determined that the animal or animals are not receiving the
18 necessary food, water, shelter, or care.

19 (g) Nothing in this Act shall be construed to prevent
20 the voluntary, permanent relinquishment of any animal by its
21 owner to an animal control or animal shelter in lieu of
22 posting security or proceeding to a forfeiture hearing.
23 Voluntary relinquishment shall have no effect on the criminal
24 charges that may be pursued by the appropriate authorities.

25 (h) If an owner of a companion animal is acquitted by
26 the court of charges made pursuant to this Act, the court
27 shall further order that any security that has been posted
28 for the animal shall be returned to the owner by the
29 impounding organization.

30 (i) The provisions of this Section only pertain to
31 companion animals and animals used for fighting purposes.

32 (Source: P.A. 92-454, eff. 1-1-02.)

33 (510 ILCS 70/4) (from Ch. 8, par. 704)

1 Sec. 4. Prohibited acts. No person may sell, offer for
 2 sale, barter, or give away as a pet or a novelty any rabbit
 3 or any baby chick, duckling or other fowl which has been
 4 dyed, colored, or otherwise treated to impart an artificial
 5 color thereto. Baby chicks or ducklings shall not be sold,
 6 offered for sale, bartered, or given away as pets or
 7 novelties. Rabbits, ducklings or baby chicks shall not be
 8 awarded as prizes ~~in any game of chance.~~

9 A person convicted of violating this Section is guilty of
 10 a Class B misdemeanor. A second or subsequent violation is a
 11 Class 4 felony, with every day that a violation continues
 12 constituting a separate offense.

13 (Source: P.A. 86-172.)

14 (510 ILCS 70/4.01) (from Ch. 8, par. 704.01)

15 Sec. 4.01. Animals in entertainment. This Section does
 16 not apply when the only animals involved are dogs. (Section
 17 26-5 of the Criminal Code of 1961, rather than this Section,
 18 applies when the only animals involved are dogs.)
 19 Prohibitions-

20 (a) No person may own, capture, breed, train, or lease
 21 any animal which he or she knows or should know is intended
 22 for use in any show, exhibition, program, or other activity
 23 featuring or otherwise involving a fight between such animal
 24 and any other animal or human, or the intentional killing of
 25 any animal for the purpose of sport, wagering, or
 26 entertainment.

27 (b) No person shall promote, conduct, carry on,
 28 advertise, collect money for or in any other manner assist or
 29 aid in the presentation for purposes of sport, wagering, or
 30 entertainment, any show, exhibition, program, or other
 31 activity involving a fight between 2 or more animals or any
 32 animal and human, or the intentional killing of any animal.

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

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

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

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

29 (g) No person shall attend or otherwise patronize any
 30 show, exhibition, program, or other activity featuring or
 31 otherwise involving a fight between 2 or more animals, or any
 32 animal and human, or the intentional killing of any animal
 33 for the purposes of sport, wagering or entertainment.

34 (h) (Blank). ~~No person shall tie or attach or fasten any~~

1 ~~live--animal--to-any-machine-or-device-propelled-by-any-power~~
 2 ~~for-the-purpose-of-causing-such-animal-to-be-pursued-by-a-dog~~
 3 ~~or-dogs.-This-subsection-(h)-shall-apply-only-when--such--dog~~
 4 ~~is-intended-to-be-used-in-a-dog-fight.~~

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

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

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

30 (l) No person shall ~~conspire--or~~ solicit a minor to
 31 violate this Section.

32 (m) The penalties for violations of this Section shall
 33 be as follows:

34 (1) A person convicted of violating subsection (a),

1 (b), or (c) of this Section or any rule, regulation, or
 2 order of the Department pursuant thereto is guilty of a
 3 Class A misdemeanor for the first offense. A second or
 4 subsequent offense involving the violation of subsection
 5 (a), (b), or (c) of this Section or any rule, regulation,
 6 or order of the Department pursuant thereto is a Class 4
 7 felony.

8 (2) A person convicted of violating subsection (d),
 9 (e), or (f) of this Section or any rule, regulation, or
 10 order of the Department pursuant thereto is guilty of a
 11 Class A misdemeanor for the first offense. A second or
 12 subsequent violation is a Class 4 felony.

13 (3) A person convicted of violating subsection (g)
 14 of this Section or any rule, regulation, or order of the
 15 Department pursuant thereto is guilty of a Class C
 16 misdemeanor.

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

19 (Source: P.A. 92-425, eff. 1-1-02; 92-454, eff. 1-1-02;
 20 revised 10-11-01.)

21 (510 ILCS 70/4.02) (from Ch. 8, par. 704.02)
 22 Sec. 4.02. Arrests; reports.

23 (a) Any law enforcement officer making an arrest for an
 24 offense involving one or more animals under Section 4.01 of
 25 this Act or Section 26-5 of the Criminal Code of 1961 shall
 26 lawfully take possession of all animals and all
 27 paraphernalia, implements, or other property or things used
 28 or employed, or about to be employed, in the violation of any
 29 of the provisions of Section 4.01 of this Act or Section 26-5
 30 of the Criminal Code of 1961. When a law enforcement officer
 31 has taken possession of such animals, paraphernalia,
 32 implements or other property or things, he or she shall file
 33 with the court before whom the complaint is made against any

1 person so arrested an affidavit stating therein the name of
2 the person charged in the complaint, a description of the
3 property so taken and the time and place of the taking
4 thereof together with the name of the person from whom the
5 same was taken and name of the person who claims to own such
6 property, if different from the person from whom the animals
7 dogs were seized and if known, and that the affiant has
8 reason to believe and does believe, stating the ground of the
9 belief, that the animals dogs and property so taken were used
10 or employed, or were about to be used or employed, in a
11 violation of Section 4.01 of this Act or Section 26-5 of the
12 Criminal Code of 1961. He or she shall thereupon deliver an
13 inventory of the property so taken to the court of competent
14 jurisdiction. A law enforcement officer may humanely
15 euthanize animals dogs that are severely injured.

16 An owner whose animals dogs are removed for a violation
17 of Section 4.01 of this Act or Section 26-5 of the Criminal
18 Code of 1961 must be given written notice of the
19 circumstances of the removal and of any legal remedies
20 available to him or her. The notice must be posted at the
21 place of seizure or delivered to a person residing at the
22 place of seizure or, if the address of the owner is different
23 from the address of the person from whom the animals dogs
24 were seized, delivered by registered mail to his or her last
25 known address.

26 The animal control or animal shelter having custody of
27 the animals dogs may file a petition with the court
28 requesting that the person from whom the animals dogs were
29 seized or the owner of the animals dogs be ordered to post
30 security pursuant to Section 3.05 of this Act.

31 Upon the conviction of the person so charged, all animals
32 dogs shall be adopted or humanely euthanized and property so
33 seized shall be adjudged by the court to be forfeited. Any
34 outstanding costs incurred by the impounding facility in

1 boarding and treating the animals dogs pending the
2 disposition of the case and disposing of the animals dogs
3 upon a conviction must be borne by the person convicted. In
4 no event may the animals dogs be adopted by the defendant or
5 anyone residing in his or her household. If the court finds
6 that the State either failed to prove the criminal
7 allegations or failed to prove that the animals dogs were
8 used in fighting, the court must direct the delivery of the
9 animals dogs and the other property not previously forfeited
10 to the owner of the animals dogs and property.

11 Any person authorized by this Section to care for an
12 animal a-dog, to treat an animal a--dog, or to attempt to
13 restore an animal a-dog to good health and who is acting in
14 good faith is immune from any civil or criminal liability
15 that may result from his or her actions.

16 An animal control warden, animal control administrator,
17 animal shelter employee, or approved humane investigator may
18 humanely euthanize severely injured, diseased, or suffering
19 animal dog in exigent circumstances.

20 (b) Any veterinarian in this State who is presented with
21 an animal for treatment of injuries or wounds resulting from
22 fighting where there is a reasonable possibility that the
23 animal was engaged in or utilized for a fighting event shall
24 file a report with the Department and cooperate by furnishing
25 the owners' names, date of receipt of the animal or animals
26 and treatment administered, and descriptions of the animal or
27 animals involved. Any veterinarian who in good faith makes a
28 report, as required by this subsection (b), is immune from
29 any liability, civil, criminal, or otherwise, resulting from
30 his or her actions. For the purposes of any proceedings,
31 civil or criminal, the good faith of any such veterinarian
32 shall be presumed.

33 (Source: P.A. 92-425, eff. 1-1-02; 92-454, eff. 1-1-02;
34 revised 10-11-01.)

1 (510 ILCS 70/4.03) (from Ch. 8, par. 704.03)

2 Sec. 4.03. Teasing, striking or tampering with police
3 animals, service animals, or search and rescue dogs
4 prohibited. It shall be unlawful for any person to willfully
5 and maliciously taunt, torment, tease, beat, strike, or
6 administer or subject any desensitizing drugs, chemicals or
7 substance to (i) any animal used by a law enforcement officer
8 in the performance of his or her functions or duties, or when
9 placed in confinement off duty, (ii) any service animal,
10 (iii) any search and rescue dog, or (iv) any police, service,
11 or search and rescue animal in training. It is unlawful for
12 any person to interfere or meddle with (i) any animal used by
13 a law enforcement department or agency or any handler thereof
14 in the performance of the functions or duties of the
15 department or agency, (ii) any service animal, (iii) any
16 search and rescue dog, or (iv) any law enforcement, service,
17 or search and rescue animal in training.

18 Any person convicted of violating this Section is guilty
19 of a Class A misdemeanor. A second or subsequent violation
20 is a Class 4 felony.

21 (Source: P.A. 92-454, eff. 1-1-02.)

22 (510 ILCS 70/4.04) (from Ch. 8, par. 704.04)

23 Sec. 4.04. Injuring or killing police animals, service
24 animals, or search and rescue dogs prohibited. It shall be
25 unlawful for any person to willfully or maliciously torture,
26 mutilate, injure, disable, poison, or kill (i) any animal
27 used by a law enforcement department or agency in the
28 performance of the functions or duties of the department or
29 agency or when placed in confinement off duty, (ii) any
30 service animal, (iii) any search and rescue dog, or (iv) any
31 law enforcement, service, or search and rescue animal in
32 training. However, a police officer or veterinarian may
33 perform euthanasia in emergency situations when delay would

1 cause the animal undue suffering and pain.

2 A person convicted of violating this Section is guilty of
3 a Class A misdemeanor if the animal is not killed or totally
4 disabled; if the animal is killed or totally disabled, the
5 person is guilty of a Class 4 felony.

6 (Source: P.A. 91-357, eff. 7-29-99; 92-454, eff. 1-1-02.)

7 (510 ILCS 70/5) (from Ch. 8, par. 705)

8 Sec. 5. Lame or disabled horses. No person shall sell,
9 offer to sell, lead, ride, transport, or drive on any public
10 way any equidae which, because of debility, disease, lameness
11 or any other cause, could not be worked in this State without
12 violating this Act, unless the equidae is being sold,
13 transported, or housed with the intent that it will be moved
14 in an expeditious and humane manner to an approved
15 slaughtering establishment. Such equidae may be conveyed to
16 a proper place for medical or surgical treatment, for humane
17 keeping or euthanasia, or for slaughter in an approved
18 slaughtering establishment.

19 A person convicted of violating this Section or any rule,
20 regulation, or order of the Department pursuant thereto is
21 guilty of a Class A misdemeanor. A second or subsequent
22 violation is a Class 4 felony.

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

24 (510 ILCS 70/5.01)

25 Sec. 5.01. Horse poling or tripping.

26 (a) As used in this Section:

27 "Pole" means to use a method of training a horse that
28 consists of (i) forcing, persuading, or enticing a horse to
29 jump so that one or more of its legs contacts an obstruction
30 consisting of any kind of wire, or a pole, stick, rope, or
31 other object in which is embedded brads, nails, tacks, or
32 other sharp points or (ii) raising, throwing, or moving a

1 pole, stick, wire, rope, or other object against one or more
2 legs of a horse while it is jumping an obstruction so that
3 the horse, in either case, is induced to raise its leg or
4 legs higher in order to clear the obstruction.

5 "Trip" means to use a wire, rope, pole, stick, or other
6 object or apparatus to cause a horse to fall or lose its
7 balance.

8 (b) No person may knowingly pole or trip a horse by any
9 means for entertainment or sport purposes.

10 (c) This Section does not prohibit the lawful laying
11 down of a horse for medical or identification purposes.

12 (d) A person convicted of violating this Section is
13 guilty of a Class A misdemeanor. A second or subsequent
14 violation of this Section is a Class 4 felony.

15 (Source: P.A. 89-455, eff. 5-20-96.)

16 (510 ILCS 70/6) (from Ch. 8, par. 706)

17 Sec. 6. Poisoning prohibited. No person may knowingly
18 poison or cause to be poisoned any dog or other domestic
19 animal. The only exception will be by written permit from
20 the Department for the purpose of controlling diseases
21 transmissible to humans or other animals and only when all
22 other methods and means have been exhausted. Such a written
23 permit shall name the person or persons conducting the
24 poisoning, specify the products to be used, give the
25 boundaries of the area involved, and specify the
26 precautionary measures to be employed to insure the safety of
27 humans and other animals. ~~Any drug used for euthanasia shall~~
28 ~~be by or under the direction of a licensed veterinarian.~~

29 This Section does not prohibit the use of a euthanasia
30 drug by a euthanasia agency for the purpose of animal
31 euthanasia, provided that the euthanasia drug is used by or
32 under the direction of a licensed veterinarian or certified
33 euthanasia technician, all as defined in and subject to the

1 Humane Euthanasia in Animal Shelters Act.

2 A person convicted of violating this Section or any rule,
3 regulation, or order of the Department pursuant thereto is
4 guilty of a Class A misdemeanor. A second or subsequent
5 violation is a Class 4 felony.

6 (Source: P.A. 78-905.)

7 (510 ILCS 70/7) (from Ch. 8, par. 707)

8 Sec. 7. Confinement or detention during transportation.

9 No owner, railroad or other common carrier may, when
10 transporting any animal, allow that animal to be confined in
11 any type of conveyance more than 28 consecutive hours without
12 being exercised as necessary for that particular type of
13 animal and without being properly rested, fed and watered;
14 except that a reasonable extension of this time limit shall
15 be granted when a storm or accident causes a delay. In the
16 case of default of the owner or consignee, the company
17 transporting the animal shall exercise the animal, when
18 necessary for the particular type of animal and for the
19 proper resting, feeding, watering and sheltering of such
20 animal, and shall have a lien upon the animal until all
21 expenses resulting therefrom have been paid.

22 Any person who intentionally or negligently without
23 jurisdiction of law detains a shipment of livestock long
24 enough to endanger the health or safety of the livestock is
25 liable to the owner for any diminution in the value or death
26 of the livestock.

27 Authorities detaining a livestock shipment shall give
28 priority to the health and safety of the animals and shall
29 expeditiously handle any legal violation so that the intact
30 shipment may safely reach its designated destination.

31 A person convicted of violating this Section or any rule,
32 regulation, or order of the Department pursuant thereto, is
33 guilty of a Class B misdemeanor. A second or subsequent

1 violation is a Class 4 felony, with every day that a
2 violation continues constituting a separate offense.

3 (Source: P.A. 87-1094.)

4 (510 ILCS 70/7.1) (from Ch. 8, par. 707.1)

5 Sec. 7.1. Confinement in motor vehicle. No owner or
6 person shall confine any animal in a motor vehicle in such a
7 manner that places it in a life or health threatening
8 situation by exposure to a prolonged period of extreme heat
9 or cold, without proper ventilation or other protection from
10 such heat or cold. In order to protect the health and safety
11 of an animal, an animal control officer, law enforcement
12 officer, or Department investigator who has probable cause to
13 believe that this Section is being violated shall have
14 authority to enter such motor vehicle by any reasonable means
15 under the circumstances after making a reasonable effort to
16 locate the owner or other person responsible.

17 A person convicted of violating this Section is guilty of
18 a Class C misdemeanor. A second or subsequent violation is a
19 Class B misdemeanor.

20 (Source: P.A. 86-1325.)

21 (510 ILCS 70/7.5)

22 Sec. 7.5. Downed animals.

23 (a) For the purpose of this Section a downed animal is
24 one incapable of walking without assistance.

25 (b) No downed animal shall be sent to a stockyard,
26 auction, or other facility where its impaired mobility may
27 result in suffering. An injured animal may be sent directly
28 to a slaughter facility.

29 (c) A downed animal sent to a stockyard, auction, or
30 other facility in violation of this Section shall be humanely
31 euthanized, the disposition of such animal shall be the
32 responsibility of the owner, and the owner shall be liable

1 for any expense incurred.

2 If an animal becomes downed in transit it shall be the
3 responsibility of the carrier.

4 (d) A downed animal shall not be transported unless
5 individually segregated.

6 (e) A person convicted of violating this Section or any
7 rule, regulation, or order of the Department pursuant thereto
8 is guilty of a Class B misdemeanor. A second or subsequent
9 violation is a Class 4 felony, with every day that a
10 violation continues constituting a separate offense.

11 (Source: P.A. 88-66.)

12 (510 ILCS 70/7.15)

13 Sec. 7.15. Guide, hearing, and support dogs.

14 (a) A person may not willfully and maliciously annoy,
15 taunt, tease, harass, torment, beat, or strike a guide,
16 hearing, or support dog or otherwise engage in any conduct
17 directed toward a guide, hearing, or support dog that is
18 likely to impede or interfere with the dog's performance of
19 its duties or that places the blind, hearing impaired, or
20 physically handicapped person being served or assisted by the
21 dog in danger of injury.

22 (b) A person may not willfully and maliciously torture,
23 injure, or kill a guide, hearing, or support dog.

24 (c) A person may not willfully and maliciously permit a
25 dog that is owned, harbored, or controlled by the person to
26 cause injury to or the death of a guide, hearing, or support
27 dog while the guide, hearing, or support dog is in discharge
28 of its duties.

29 (d) A person convicted of violating this Section is
30 guilty of a Class A misdemeanor. A second or subsequent
31 violation is a Class 4 felony. A person convicted of
32 violating subsection (b) or (c) of this Section is guilty of
33 a Class 4 felony if the dog is killed or totally disabled,

1 and may be ordered by the court to make restitution to the
2 disabled person having custody or ownership of the dog for
3 veterinary bills and replacement costs of the dog.

4 (Source: P.A. 89-689, eff. 12-31-96.)

5 (510 ILCS 70/16) (from Ch. 8, par. 716)

6 Sec. 16. Miscellaneous violations; punishment;
7 injunctions; forfeiture.

8 (a) (Blank). Any---person---convicted---of---violating
9 subsection--(1)--of-Section-4.01-or-Sections-5,5.01,-or-6-of
10 this-Act-or-any-rule,-regulation,-or-order-of-the--Department
11 pursuant--thereto,-is-guilty--of--a-Class-A-misdemeanor.--A
12 second-or-subsequent-violation-of-Section-5,5.01,-or-6-is--a
13 Class-4-felony.

14 (b) (Blank). (1)--This--subsection--(b)--does-not-apply
15 where-the-only-animals--involved--in--the--violation--are
16 dogs.

17 (2)--Any--person--convicted--of-violating-subsection
18 (a),-(b),-(c)-or-(h)-of-Section-4.01-of-this-Act--or--any
19 rule,-regulation,-or-order--of-the-Department-pursuant
20 thereto,-is-guilty-of-a-Class-A-misdemeanor.

21 (3)--A-second-or-subsequent--offense--involving--the
22 violation--of--subsection-(a),-(b)-or-(c)-of-Section-4.01
23 of-this-Act-or-any-rule,-regulation,-or-order--of--the
24 Department-pursuant-thereto-is-a-Class-4-felony.

25 (4)--Any--person--convicted--of-violating-subsection
26 (d),-(e)-or-(f)-of-Section-4.01-of-this-Act-or-any--rule,
27 regulation,-or-order-of-the-Department-pursuant-thereto,
28 is-guilty--of--a--Class--A--misdemeanor.---A--second--or
29 subsequent-violation-is-a-Class-4-felony.

30 (5)--Any-person-convicted--of--violating--subsection
31 (g)--of-Section-4.01-of-this-Act-or-any-rule,-regulation,
32 or-order-of-the-Department-pursuant-thereto-is-guilty--of
33 a-Class-C-misdemeanor.

1 (e)(1) This subsection (e) applies exclusively
2 where the only animals involved in the violation are
3 dogs.

4 (2) Any person convicted of violating subsection
5 (a), (b) or (c) of Section 4.01 of this Act or any rule,
6 regulation or order of the Department pursuant thereto is
7 guilty of a Class 4 felony and may be fined an amount not
8 to exceed \$50,000. A person who knowingly owns a dog for
9 fighting purposes or for producing a fight between 2 or
10 more dogs or a dog and human or who knowingly offers for
11 sale or sells a dog bred for fighting is guilty of a
12 Class 3 felony if any of the following factors is
13 present:

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

16 (ii) the dogfight is performed for the purpose
17 of or in the presence of illegal wagering activity;
18 or

19 (iii) the dogfight is performed in furtherance
20 of streetgang-related activity as defined in Section
21 10 of the Illinois Streetgang Terrorism Omnibus
22 Prevention Act.

23 (3) Any person convicted of violating subsection
24 (d) or (e) of Section 4.01 of this Act or any rule,
25 regulation or order of the Department pursuant thereto is
26 guilty of Class A misdemeanor.

27 (3.5) Any person convicted of violating subsection
28 (f) of Section 4.01 is guilty of a Class 4 felony.

29 (4) Any person convicted of violating subsection
30 (g) of Section 4.01 of this Act or any rule, regulation
31 or order of the Department pursuant thereto is guilty of
32 a Class C misdemeanor.

33 (5) A second or subsequent violation of subsection
34 (a), (b) or (c) of Section 4.01 of this Act or any rule,

1 regulation or order of the Department pursuant thereto is
2 a Class 3 felony. A second or subsequent violation of
3 subsection (d) or (e) of Section 4.01 of this Act or any
4 rule, regulation or order of the Department adopted
5 pursuant thereto is a Class 3 felony, if in each
6 violation the person knew or should have known that the
7 device or equipment under subsection (d) or (e) of that
8 Section was to be used to carry out a violation where the
9 only animals involved were dogs. Where such person did
10 not know or should not reasonably have been expected to
11 know that the only animals involved in the violation were
12 dogs, a second or subsequent violation of subsection (d)
13 or (e) of Section 4.01 of this Act or any rule,
14 regulation or order of the Department adopted pursuant
15 thereto is a Class A misdemeanor. A second or subsequent
16 violation of subsection (g) is a Class B misdemeanor.

17 (6) Any person convicted of violating Section 3.01
18 of this Act is guilty of a Class A misdemeanor. A second
19 or subsequent conviction for a violation of Section 3.01
20 is a Class 4 felony.

21 (7) Any person convicted of violating Section 4.03
22 is guilty of a Class A misdemeanor. A second or
23 subsequent violation is a Class 4 felony.

24 (8) Any person convicted of violating Section 4.04
25 is guilty of a Class A misdemeanor where the animal is
26 not killed or totally disabled, but if the animal is
27 killed or totally disabled such person shall be guilty of
28 a Class 4 felony.

29 (8.5) A person convicted of violating subsection
30 (a) of Section 7.15 is guilty of a Class A misdemeanor.
31 A person convicted of violating subsection (b) or (c) of
32 Section 7.15 is (i) guilty of a Class A misdemeanor if
33 the dog is not killed or totally disabled and (ii) if the
34 dog is killed or totally disabled, guilty of a Class 4

1 felony--and--may--be--ordered--by--the--court---to---make
 2 restitution--to--the--disabled--person--having-custody-or
 3 ownership-of-the-dog-for-veterinary-bills-and-replacement
 4 costs-of-the-dog.--A-second-or-subsequent-violation-is--a
 5 Class-4-felony.

6 (c) (9) Any person convicted of any other act of abuse
 7 or neglect for which no other penalty is specified in this
 8 Act, or of violating any other provision of this Act, or any
 9 rule, regulation, or order of the Department pursuant thereto
 10 for which no other penalty is specified in this Act, is
 11 guilty of a Class B misdemeanor for the first violation. A
 12 second or subsequent violation is a Class 4 felony, with
 13 every day that a violation continues constituting a separate
 14 offense.

15 (d) (Blank). Any-person-convicted-of--violating--Section
 16 7.1--is--guilty--of--a--Class--C--misdemeanor.---A--second-or
 17 subsequent-conviction-for-a-violation-of--Section--7.1--is--a
 18 Class-B-misdemeanor.

19 (e) (Blank). Any--person-convicted-of-violating-Section
 20 3.02-is-guilty-of-a-Class-4-felony.--A-second--or--subsequent
 21 violation-is-a-Class-3-felony.

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

24 (g) (Blank). Any--person-convicted-of-violating-Section
 25 3.03-is-guilty-of-a-Class-3-felony.--As-a--condition--of--the
 26 sentence--imposed--under--this-Section,--the-court-shall-order
 27 the--offender--to--undergo--a--psychological--or--psychiatric
 28 evaluation-and-to-undergo-treatment-that-the-court-determines
 29 to-be-appropriate-after-due-consideration-of-the-evaluation.

30 (h) (Blank). In-addition-to-any-other--penalty--provided
 31 by--law,--upon--a--conviction-for-violating-Sections-3,--3.01,
 32 3.02,--or-3.03-the-court-may-order--the--convicted--person--to
 33 undergo--a--psychological--or--psychiatric--evaluation-and-to
 34 undergo-any-treatment-at-the-convicted-person's-expense--that

1 the---court---determines---to---be---appropriate---after--due
2 consideration-of-the-evaluation.-If-the-convicted-person-is-a
3 juvenile-or-a-companion-animal-keeper,-the-court-must--order
4 the---convicted---person---to---undergo--a--psychological--or
5 psychiatric-evaluation-and--to--undergo--treatment--that--the
6 court-determines-to-be-appropriate-after-due-consideration-of
7 the-evaluation-

8 (i) In addition to any other penalty provided by law,
9 upon conviction for violating Section Sections 3, 3.01, 3.02,
10 or 3.03 the court may order the convicted person to forfeit
11 to an animal control or animal shelter the animal or animals
12 that are the basis of the conviction. Upon an order of
13 forfeiture, the convicted person is deemed to have
14 permanently relinquished all rights to the animal or animals
15 that are the basis of the conviction. The forfeited animal
16 or animals shall be adopted or humanely euthanized. In no
17 event may the convicted person or anyone residing in his or
18 her household be permitted to adopt the forfeited animal or
19 animals. The court, additionally, may order that the
20 convicted person and persons dwelling in the same household
21 as the convicted person who conspired, aided, or abetted in
22 the unlawful act that was the basis of the conviction, or who
23 knew or should have known of the unlawful act, may not own,
24 harbor, or have custody or control of any other animals for a
25 period of time that the court deems reasonable.

26 (Source: P.A. 91-291, eff. 1-1-00; 91-351, eff. 7-29-99;
27 91-357, eff. 7-29-99; 92-16, eff. 6-28-01; 92-425, eff.
28 1-1-02; 92-454, eff. 1-1-02; revised 10-11-01.)

29 Section 10. The Clerks of Courts Act is amended by
30 changing Sections 27.5 and 27.6 as follows:

31 (705 ILCS 105/27.5) (from Ch. 25, par. 27.5)

32 Sec. 27.5. (a) All fees, fines, costs, additional

1 penalties, bail balances assessed or forfeited, and any other
2 amount paid by a person to the circuit clerk that equals an
3 amount less than \$55, except restitution under Section 5-5-6
4 of the Unified Code of Corrections, reimbursement for the
5 costs of an emergency response as provided under Section
6 5-5-3 of the Unified Code of Corrections, any fees collected
7 for attending a traffic safety program under paragraph (c) of
8 Supreme Court Rule 529, any fee collected on behalf of a
9 State's Attorney under Section 4-2002 of the Counties Code or
10 a sheriff under Section 4-5001 of the Counties Code, or any
11 cost imposed under Section 124A-5 of the Code of Criminal
12 Procedure of 1963, for convictions, orders of supervision, or
13 any other disposition for a violation of Chapters 3, 4, 6,
14 11, and 12 of the Illinois Vehicle Code, or a similar
15 provision of a local ordinance, and any violation of the
16 Child Passenger Protection Act, or a similar provision of a
17 local ordinance, and except as provided in subsection (b)
18 shall be disbursed within 60 days after receipt by the
19 circuit clerk as follows: 47% shall be disbursed to the
20 entity authorized by law to receive the fine imposed in the
21 case; 12% shall be disbursed to the State Treasurer; and 41%
22 shall be disbursed to the county's general corporate fund.
23 Of the 12% disbursed to the State Treasurer, 1/6 shall be
24 deposited by the State Treasurer into the Violent Crime
25 Victims Assistance Fund, 1/2 shall be deposited into the
26 Traffic and Criminal Conviction Surcharge Fund, and 1/3 shall
27 be deposited into the Drivers Education Fund. For fiscal
28 years 1992 and 1993, amounts deposited into the Violent Crime
29 Victims Assistance Fund, the Traffic and Criminal Conviction
30 Surcharge Fund, or the Drivers Education Fund shall not
31 exceed 110% of the amounts deposited into those funds in
32 fiscal year 1991. Any amount that exceeds the 110% limit
33 shall be distributed as follows: 50% shall be disbursed to
34 the county's general corporate fund and 50% shall be

1 disbursed to the entity authorized by law to receive the fine
2 imposed in the case. Not later than March 1 of each year the
3 circuit clerk shall submit a report of the amount of funds
4 remitted to the State Treasurer under this Section during the
5 preceding year based upon independent verification of fines
6 and fees. All counties shall be subject to this Section,
7 except that counties with a population under 2,000,000 may,
8 by ordinance, elect not to be subject to this Section. For
9 offenses subject to this Section, judges shall impose one
10 total sum of money payable for violations. The circuit clerk
11 may add on no additional amounts except for amounts that are
12 required by Sections 27.3a and 27.3c of this Act, unless
13 those amounts are specifically waived by the judge. With
14 respect to money collected by the circuit clerk as a result
15 of forfeiture of bail, ex parte judgment or guilty plea
16 pursuant to Supreme Court Rule 529, the circuit clerk shall
17 first deduct and pay amounts required by Sections 27.3a and
18 27.3c of this Act. This Section is a denial and limitation of
19 home rule powers and functions under subsection (h) of
20 Section 6 of Article VII of the Illinois Constitution.

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

23 (1) 50% of the amounts collected for felony
24 offenses under Sections 3, 3.01, 3.02, 3.03, 4, 4.01,
25 4.03, 4.04, 5, 5.01, 6, 7, 7.5, 7.15, and 16 of the
26 Humane Care for Animals Act and Section 26-5 of the
27 Criminal Code of 1961;

28 (2) 20% of the amounts collected for Class A and
29 Class B misdemeanors under Sections 3, 3.01, 4, 4.01,
30 4.03, 4.04, 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the
31 Humane Care for Animals Act and Section 26-5 of the
32 Criminal Code of 1961; and

33 (3) 50% of the amounts collected for Class C
34 misdemeanors under Sections 4.01 and 7.1 of the Humane

1 Care for Animals Act and Section 26-5 of the Criminal
2 Code of 1961.

3 (1)--50%--of--amounts--collected--for--Class--4--felonies
4 under--subsection--(a),--paragraph--(4)--of--subsection--(b),
5 and--paragraphs--(6),--(7),--(8.5),--and--(9)--of--subsection--(c)
6 of--Section--16--of--the--Humane--Care--for--Animals--Act--and
7 Class--3--felonies--under--paragraph--(5)--of--subsection--(c)--of
8 Section--16--of--that--Act.

9 (2)--20%--of--amounts--collected--for--Class--A
10 misdemeanors--under--subsection--(a),--paragraph--(4)--of
11 subsection--(b),--and--paragraphs--(6)--and--(7)--of--subsection
12 (c)--of--Section--16--of--the--Humane--Care--for--Animals--Act--and
13 Class--B--misdemeanors--under--paragraph--(9)--of--subsection
14 (c)--of--Section--16--of--that--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. 92-454, eff. 1-1-02.)

22 (705 ILCS 105/27.6)

23 Sec. 27.6. (a) All fees, fines, costs, additional
24 penalties, bail balances assessed or forfeited, and any other
25 amount paid by a person to the circuit clerk equalling an
26 amount of \$55 or more, except the additional fee required by
27 subsections (b) and (c), restitution under Section 5-5-6 of
28 the Unified Code of Corrections, reimbursement for the costs
29 of an emergency response as provided under Section 5-5-3 of
30 the Unified Code of Corrections, any fees collected for
31 attending a traffic safety program under paragraph (c) of
32 Supreme Court Rule 529, any fee collected on behalf of a
33 State's Attorney under Section 4-2002 of the Counties Code or

1 a sheriff under Section 4-5001 of the Counties Code, or any
2 cost imposed under Section 124A-5 of the Code of Criminal
3 Procedure of 1963, for convictions, orders of supervision, or
4 any other disposition for a violation of Chapters 3, 4, 6,
5 11, and 12 of the Illinois Vehicle Code, or a similar
6 provision of a local ordinance, and any violation of the
7 Child Passenger Protection Act, or a similar provision of a
8 local ordinance, and except as provided in subsection (d)
9 shall be disbursed within 60 days after receipt by the
10 circuit clerk as follows: 44.5% shall be disbursed to the
11 entity authorized by law to receive the fine imposed in the
12 case; 16.825% shall be disbursed to the State Treasurer; and
13 38.675% shall be disbursed to the county's general corporate
14 fund. Of the 16.825% disbursed to the State Treasurer, 2/17
15 shall be deposited by the State Treasurer into the Violent
16 Crime Victims Assistance Fund, 5.052/17 shall be deposited
17 into the Traffic and Criminal Conviction Surcharge Fund, 3/17
18 shall be deposited into the Drivers Education Fund, and
19 6.948/17 shall be deposited into the Trauma Center Fund. Of
20 the 6.948/17 deposited into the Trauma Center Fund from the
21 16.825% disbursed to the State Treasurer, 50% shall be
22 disbursed to the Department of Public Health and 50% shall be
23 disbursed to the Department of Public Aid. For fiscal year
24 1993, amounts deposited into the Violent Crime Victims
25 Assistance Fund, the Traffic and Criminal Conviction
26 Surcharge Fund, or the Drivers Education Fund shall not
27 exceed 110% of the amounts deposited into those funds in
28 fiscal year 1991. Any amount that exceeds the 110% limit
29 shall be distributed as follows: 50% shall be disbursed to
30 the county's general corporate fund and 50% shall be
31 disbursed to the entity authorized by law to receive the fine
32 imposed in the case. Not later than March 1 of each year the
33 circuit clerk shall submit a report of the amount of funds
34 remitted to the State Treasurer under this Section during the

1 preceding year based upon independent verification of fines
2 and fees. All counties shall be subject to this Section,
3 except that counties with a population under 2,000,000 may,
4 by ordinance, elect not to be subject to this Section. For
5 offenses subject to this Section, judges shall impose one
6 total sum of money payable for violations. The circuit clerk
7 may add on no additional amounts except for amounts that are
8 required by Sections 27.3a and 27.3c of this Act, unless
9 those amounts are specifically waived by the judge. With
10 respect to money collected by the circuit clerk as a result
11 of forfeiture of bail, ex parte judgment or guilty plea
12 pursuant to Supreme Court Rule 529, the circuit clerk shall
13 first deduct and pay amounts required by Sections 27.3a and
14 27.3c of this Act. This Section is a denial and limitation
15 of home rule powers and functions under subsection (h) of
16 Section 6 of Article VII of the Illinois Constitution.

17 (b) In addition to any other fines and court costs
18 assessed by the courts, any person convicted or receiving an
19 order of supervision for driving under the influence of
20 alcohol or drugs shall pay an additional fee of \$100 to the
21 clerk of the circuit court. This amount, less 2 1/2% that
22 shall be used to defray administrative costs incurred by the
23 clerk, shall be remitted by the clerk to the Treasurer within
24 60 days after receipt for deposit into the Trauma Center
25 Fund. This additional fee of \$100 shall not be considered a
26 part of the fine for purposes of any reduction in the fine
27 for time served either before or after sentencing. Not later
28 than March 1 of each year the Circuit Clerk shall submit a
29 report of the amount of funds remitted to the State Treasurer
30 under this subsection during the preceding calendar year.

31 (b-1) In addition to any other fines and court costs
32 assessed by the courts, any person convicted or receiving an
33 order of supervision for driving under the influence of
34 alcohol or drugs shall pay an additional fee of \$5 to the

1 clerk of the circuit court. This amount, less 2 1/2% that
2 shall be used to defray administrative costs incurred by the
3 clerk, shall be remitted by the clerk to the Treasurer within
4 60 days after receipt for deposit into the Spinal Cord Injury
5 Paralysis Cure Research Trust Fund. This additional fee of
6 \$5 shall not be considered a part of the fine for purposes of
7 any reduction in the fine for time served either before or
8 after sentencing. Not later than March 1 of each year the
9 Circuit Clerk shall submit a report of the amount of funds
10 remitted to the State Treasurer under this subsection during
11 the preceding calendar year.

12 (c) In addition to any other fines and court costs
13 assessed by the courts, any person convicted for a violation
14 of Sections 24-1.1, 24-1.2, or 24-1.5 of the Criminal Code of
15 1961 or a person sentenced for a violation of the Cannabis
16 Control Act or the Controlled Substance Act shall pay an
17 additional fee of \$100 to the clerk of the circuit court.
18 This amount, less 2 1/2% that shall be used to defray
19 administrative costs incurred by the clerk, shall be remitted
20 by the clerk to the Treasurer within 60 days after receipt
21 for deposit into the Trauma Center Fund. This additional fee
22 of \$100 shall not be considered a part of the fine for
23 purposes of any reduction in the fine for time served either
24 before or after sentencing. Not later than March 1 of each
25 year the Circuit Clerk shall submit a report of the amount of
26 funds remitted to the State Treasurer under this subsection
27 during the preceding calendar year.

28 (c-1) In addition to any other fines and court costs
29 assessed by the courts, any person sentenced for a violation
30 of the Cannabis Control Act or the Illinois Controlled
31 Substances Act shall pay an additional fee of \$5 to the clerk
32 of the circuit court. This amount, less 2 1/2% that shall be
33 used to defray administrative costs incurred by the clerk,
34 shall be remitted by the clerk to the Treasurer within 60

1 days after receipt for deposit into the Spinal Cord Injury
 2 Paralysis Cure Research Trust Fund. This additional fee of
 3 \$5 shall not be considered a part of the fine for purposes of
 4 any reduction in the fine for time served either before or
 5 after sentencing. Not later than March 1 of each year the
 6 Circuit Clerk shall submit a report of the amount of funds
 7 remitted to the State Treasurer under this subsection during
 8 the preceding calendar year.

9 (d) The following amounts must be remitted to the State
 10 Treasurer for deposit into the Illinois Animal Abuse Fund:

11 (1) 50% of the amounts collected for felony
 12 offenses under Sections 3, 3.01, 3.02, 3.03, 4, 4.01,
 13 4.03, 4.04, 5, 5.01, 6, 7, 7.5, 7.15, and 16 of the
 14 Humane Care for Animals Act and Section 26-5 of the
 15 Criminal Code of 1961;

16 (2) 20% of the amounts collected for Class A and
 17 Class B misdemeanors under Sections 3, 3.01, 4, 4.01,
 18 4.03, 4.04, 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the
 19 Humane Care for Animals Act and Section 26-5 of the
 20 Criminal Code of 1961; and

21 (3) 50% of the amounts collected for Class C
 22 misdemeanors under Sections 4.01 and 7.1 of the Humane
 23 Care for Animals Act and Section 26-5 of the Criminal
 24 Code of 1961.

25 (1)--50%--of--amounts--collected--for--Class--4--felonies
 26 under--subsection--(a),--paragraph--(4)--of--subsection--(b),
 27 and--paragraphs--(6),--(7),--(8.5),--and--(9)--of--subsection--(c)
 28 of--Section--16--of--the--Humane--Care--for--Animals--Act--and
 29 Class--3--felonies--under--paragraph--(5)--of--subsection--(c)--of
 30 Section--16--of--that--Act.

31 (2)--20%---of---amounts---collected---for---Class--A
 32 misdemeanors--under--subsection--(a),--paragraph--(4)--of
 33 subsection--(b),--and--paragraphs--(6)--and--(7)--of--subsection
 34 (c)--of--Section--16--of--the--Humane--Care--for--Animals--Act--and

1 Class-B-misdemeanors-under-paragraph--(9)--of--subsection
2 (e)-of-Section-16-of-that-Act.

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

6 (4)--50%---of---amounts---collected---for---Class--C
7 misdemeanors-under-subsection-(d)-of-Section--16--of--the
8 Humane-Care-for-Animals-Act.

9 (Source: P.A. 92-431, eff. 1-1-02; 92-454, eff. 1-1-02;
10 revised 10-11-01.)

11 Section 15. The Criminal Code of 1961 is amended by
12 changing Section 26-5 as follows:

13 (720 ILCS 5/26-5)

14 Sec. 26-5. Dog fighting. (For other provisions that may
15 apply to dog fighting, see the Humane Care for Animals Act.
16 For provisions similar to this Section that apply to animals
17 other than dogs, see in particular Section 4.01 of the Humane
18 Care for Animals Act.)

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

25 (b) No person may promote, conduct, carry on, advertise,
26 collect money for or in any other manner assist or aid in the
27 presentation for purposes of sport, wagering, or
28 entertainment of any show, exhibition, program, or other
29 activity involving a fight between 2 or more dogs or any dog
30 and human, or the intentional killing of any dog.

31 (c) No person may sell or offer for sale, ship,
32 transport, or otherwise move, or deliver or receive any dog

1 which he or she knows has been captured, bred, or trained, or
2 will be used, to fight another dog or human or be
3 intentionally killed for purposes of sport, wagering, or
4 entertainment.

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

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

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

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

29 (g) No person may attend or otherwise patronize any
30 show, exhibition, program, or other activity featuring or
31 otherwise involving a fight between 2 or more dogs, or any
32 dog and human, or the intentional killing of any dog for
33 purposes of sport, wagering, or entertainment.

34 (h) No person may tie or attach or fasten any live

1 animal to any machine or device propelled by any power for
2 the purpose of causing the animal to be pursued by a dog or
3 dogs. This subsection (h) applies only when the dog is
4 intended to be used in a dog fight.

5 (i) Penalties for violations of this Section shall be as
6 follows:

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

12 (1.5) A person who knowingly owns a dog for
13 fighting purposes or for producing a fight between 2 or
14 more dogs or a dog and human or who knowingly offers for
15 sale or sells a dog bred for fighting is guilty of a
16 Class 3 felony and may be fined an amount not to exceed
17 \$50,000, if the dog participates in a dogfight and any of
18 the following factors is present:

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

21 (ii) the dogfight is performed for the purpose
22 of or in the presence of illegal wagering activity;
23 or

24 (iii) the dogfight is performed in furtherance
25 of streetgang related activity as defined in Section
26 10 of the Illinois Streetgang Terrorism Omnibus
27 Prevention Act.

28 (1.7) A person convicted of violating subsection
29 (c-5) of this Section is guilty of a Class A misdemeanor.

30 (2) Any person convicted of violating subsection
31 (d) or (e) of this Section is guilty of a Class A
32 misdemeanor for a first violation. A second or
33 subsequent violation of subsection (d) or (e) of this
34 Section is a Class 3 felony. if-he-or-she-knew-or--should

1 have--known-that-the-device-or-equipment-under-subsection
 2 (d)-or-(e)-of-this-Section-was-to-be-used-to-carry-out--a
 3 violation--where-the-only-animals-involved-were-dogs;--If
 4 the-person-did-not-know-or--should--not--reasonably--have
 5 been--expected--to-know-that-the-only-animals-involved-in
 6 the-violation--were--dogs;--the--penalty--is--a--Class--B
 7 misdemeanor.

8 (2.5) Any person convicted of violating subsection
 9 (f) of this Section is guilty of a Class 4 felony.

10 (3) Any person convicted of violating subsection
 11 (g) of this Section is guilty of a Class C misdemeanor
 12 for a first violation. A second or subsequent violation
 13 of subsection (g) of this Section is a Class B
 14 misdemeanor.

15 (j) Any dog or equipment involved in a violation of this
 16 Section shall be immediately seized and impounded under
 17 Section 12 of the Humane Care for Animals Act when located at
 18 any show, exhibition, program, or other activity featuring or
 19 otherwise involving a dog fight for the purposes of sport,
 20 wagering, or entertainment.

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

27 (l) Any veterinarian in this State who is presented with
 28 a dog for treatment of injuries or wounds resulting from
 29 fighting where there is a reasonable possibility that the dog
 30 was engaged in or utilized for a fighting event for the
 31 purposes of sport, wagering, or entertainment shall file a
 32 report with the Department of Agriculture and cooperate by
 33 furnishing the owners' names, dates, and descriptions of the
 34 dog or dogs involved. Any veterinarian who in good faith

1 complies with the requirements of this subsection has
 2 immunity from any liability, civil, criminal, or otherwise,
 3 that may result from his or her actions. For the purposes of
 4 any proceedings, civil or criminal, the good faith of the
 5 veterinarian shall be rebuttably presumed.

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

15 ~~(4)--A-second-or-subsequent-violation-of--subsection~~
 16 ~~(a),--(b),-or-(c)-of-this-Section-is-a-Class-3-felony.--A~~
 17 ~~second-or-subsequent-violation-of-subsection-(d)--or--(e)~~
 18 ~~of-this-Section-is-a-Class-3-felony,-if-in-each-violation~~
 19 ~~the--person--knew-or-should-have-known-that-the-device-or~~
 20 ~~equipment-under-subsection-(d)-or-(e)-of-this-Section-was~~
 21 ~~to-be-used-to--carry--out--a--violation--where--the--only~~
 22 ~~animals--involved--were-dogs.--If-the-person-did-not-know~~
 23 ~~or-should-not-reasonably-have-been-expected-to-know--that~~
 24 ~~the--only--animals-involved-in-the-violation-were-dogs,-a~~
 25 ~~second-or-subsequent-violation-of-subsection-(d)--or--(e)~~
 26 ~~of--this--Section--is-a-Class-A-misdemeanor.--A-second-or~~
 27 ~~subsequent-violation-of-subsection-(g)-of-this-Section-is~~
 28 ~~a-Class-B-misdemeanor.~~

29 (Source: P.A. 92-425, eff. 1-1-02.)

30 Section 99. Effective date. This Act takes effect upon
 31 becoming law.

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INDEX

Statutes amended in order of appearance

510 ILCS 70/3	from Ch. 8, par. 703
510 ILCS 70/3.01	from Ch. 8, par. 703.01
510 ILCS 70/3.02	
510 ILCS 70/3.03	
510 ILCS 70/3.04	
510 ILCS 70/3.05	
510 ILCS 70/4	from Ch. 8, par. 704
510 ILCS 70/4.01	from Ch. 8, par. 704.01
510 ILCS 70/4.02	from Ch. 8, par. 704.02
510 ILCS 70/4.03	from Ch. 8, par. 704.03
510 ILCS 70/4.04	from Ch. 8, par. 704.04
510 ILCS 70/5	from Ch. 8, par. 705
510 ILCS 70/5.01	
510 ILCS 70/6	from Ch. 8, par. 706
510 ILCS 70/7	from Ch. 8, par. 707
510 ILCS 70/7.1	from Ch. 8, par. 707.1
510 ILCS 70/7.5	
510 ILCS 70/7.15	
510 ILCS 70/16	from Ch. 8, par. 716
705 ILCS 105/27.5	from Ch. 25, par. 27.5
705 ILCS 105/27.6	
720 ILCS 5/26-5	